

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

lacb-csd-may24item01

# California State Board of EducationMay 2024 AgendaItem #07

## 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, Consent

## 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 for 76 charter schools.

## Recommendation

The CDE recommends that the SBE approve 76 schools’ determination of funding requests at their requested level of funding as specified in Attachment 1.

## Advisory Commission on Charter Schools Recommendation

At its April 9, 2024, meeting, the ACCS voted to approve CDE’s recommendation that the SBE approve the determinations of funding and associated time periods for the NCB charter schools as specified in Attachment 1. The motion passed by a vote of six to one.

The notice for the April 9, 2024, ACCS meeting and the determination of funding requests for the schools presented in this item are located on the April 9, 2024, ACCS Meeting Agenda web page (Item 01) at <https://www.cde.ca.gov/be/cc/cs/accsnotice040924.asp>.

## 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 recommendation of 100 percent funding, a charter school must meet the following criteria as outlined in 5 *CCR* Section 11963.4(a)(3):

* Spend at least 40 percent of the school’s public revenues on salaries and benefits for all employees who possess a valid teaching certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold issued by the Commission on Teacher Credentialing (and who work in the charter school in a position required to provide direct instruction or direct instructional support to students)
* Spend at least 80 percent of total revenues on instruction and related services
* Maintain a ratio of average daily attendance (ADA) for independent study pupils to full-time certificated employees responsible for independent study 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

| **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 | Not Applicable |
| **70%** | ≥ 35 | ≥ 60 | Not Applicable |
| **0%** | < 35 | < 60 | Not Applicable |

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).

It is the CDE’s current practice to recommend a funding period of three or four years for an existing charter school with an active funding determination, based on the number of times the 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 Request

All schools presented in this item meet the regulatory requirements to qualify for their requested level of funding for their NCB instruction based on reported fiscal year (FY) 2022–23 data. Therefore, the CDE recommends that the SBE approve the schools’ determination of funding requests at the percentages and for the funding 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 its ADA generated through NCB instruction as approved by the SBE, pursuant to *EC* Section 47634.2(c).

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

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

## Fiscal Analysis

If approved by the SBE, the 76 charter schools listed in Attachment 1 would receive apportionment funding for their NCB ADA under the Local Control Funding Formula model.

## California Department of Education Staff Review

Direct links to each charter school’s determination of funding request are provided below. The requests are also available under Item 01 of the April 2024 ACCS Meeting Agenda web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice040924.asp>.

* Determination of Funding Request for Alta Vista Innovation High, Charter #1895 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a2.docx>)
	+ Additional Attachment for Alta Vista Innovation High, Charter #1895 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a3.pdf>)
* Determination of Funding Request for Altus Schools Audeo, Charter #0406 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a4.docx>)
* Determination of Funding Request for Altus Schools Charter School of San Diego, Charter #0028 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a5.docx>)
	+ Additional Attachment for Altus Schools Charter School of San Diego, Charter #0028 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a6.pdf>)
* Determination of Funding Request for Altus Schools East County, Charter #1889 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a7.docx>)
* Determination of Funding Request for Altus Schools South Bay, Charter #1903 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a8.docx>)
* Determination of Funding Request for Ambassador Phillip V. Sanchez II Public Charter, Charter #1905 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a9.docx>)
* Determination of Funding Request for Arete Charter Academy, Charter #1898 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a10.docx>)
* Determination of Funding Request for ASA Charter, Charter #0677 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a11.docx>)
* Determination of Funding Request for Assurance Learning Academy, Charter #1458 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a12.docx>)
	+ Additional Attachment for Assurance Learning Academy, Charter #1458 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a13.pdf>)
* Determination of Funding Request for Audeo Valley Charter, Charter #2118 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a14.docx>)
* Determination of Funding Request for Cabrillo Point Academy, Charter #1748 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a15.docx>)
	+ Additional Attachment for Cabrillo Point Academy, Charter #1748 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a16.pdf>)
* Determination of Funding Request for California Pacific Charter - San Diego, Charter #1758 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a17.docx>)
* Determination of Funding Request for California Pacific Charter- Los Angeles, Charter #1751 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a18.docx>)
* Determination of Funding Request for California Virtual Academy @ Los Angeles, Charter #0838 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a19.docx>)
	+ Additional Attachment for California Virtual Academy @ Los Angeles, Charter #0838 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a20.pdf>)
* Determination of Funding Request for California Virtual Academy @ Sonoma, Charter #0653 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a21.docx>)
* Determination of Funding Request for California Virtual Academy at Kings, Charter #0840 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a22.docx>)
* Determination of Funding Request for California Virtual Academy at Sutter, Charter #1606 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a23.docx>)
* Determination of Funding Request for California Virtual Academy San Mateo, Charter #0802 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a24.docx>)
* Determination of Funding Request for Carter G. Woodson Public Charter, Charter #0378 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a25.docx>)
* Determination of Funding Request for Charter Alternative Program (CAP), Charter #0360 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a26.docx>)
* Determination of Funding Request for Circle of Independent Learning, Charter #0152 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a27.docx>)
* Determination of Funding Request for Clarksville Charter, Charter #1891 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a28.docx>)
* Determination of Funding Request for College and Career Prep Academy, Charter #1761 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a29.docx>)
* Determination of Funding Request for Compass Charter School of Los Angeles, Charter #1651 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a30.docx>)
* Determination of Funding Request for Compass Charter School of San Diego, Charter #1454 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a31.docx>)
* Determination of Funding Request for CORE Charter, Charter #0165 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a32.docx>)
* Determination of Funding Request for Crescent Valley Public Charter II, Charter #1894 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a33.docx>)
* Determination of Funding Request for Crescent View South II, Charter #1893 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a34.docx>)
	+ Additional Attachment for Crescent View South II, Charter #1893 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a35.pdf>)
* Determination of Funding Request for Da Vinci RISE High, Charter #2017 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a36.docx>)
* Determination of Funding Request for Diego Hills Central Public Charter, Charter #1909 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a37.docx>)
* Determination of Funding Request for eCademy Charter at Crane, Charter #1309 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a38.docx>)
* Determination of Funding Request for Eleanor Roosevelt Community Learning Center, Charter #0395 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a39.docx>)
* Determination of Funding Request for Golden Eagle Charter, Charter #0983 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a40.docx>)
* Determination of Funding Request for Golden Valley Charter, Charter #0356 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a41.docx>)
* Determination of Funding Request for Greater San Diego Academy, Charter #0261 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a42.docx>)
* Determination of Funding Request for Guajome Learning Centers, Charter #1351 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a43.docx>)
* Determination of Funding Request for Hearthstone, Charter #0110 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a44.docx>)
* Determination of Funding Request for Horizon Charter, Charter #0015 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a45.docx>)
* Determination of Funding Request for iLEAD Online, Charter #1902 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a46.docx>)
* Determination of Funding Request for Insight @ San Diego, Charter #1371 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a47.docx>)
* Determination of Funding Request for Insight @ San Joaquin, Charter #1762 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a48.docx>)
* Determination of Funding Request for JCS - Cedar Cove, Charter #2022 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a49.docx>)
* Determination of Funding Request for JCS - Manzanita, Charter #2024 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a50.docx>)
* Determination of Funding Request for JCS - Mountain Oaks, Charter #1992 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a51.docx>)
* Determination of Funding Request for JCS - Pine Hills, Charter #2018 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a52.docx>)
* Determination of Funding Request for JCS - Pine Valley, Charter #2021 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a53.docx>)
* Determination of Funding Request for Julian Charter, Charter #0267 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a54.docx>)
* Determination of Funding Request for Kings Valley Academy II, Charter #1896 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a55.docx>)
* Determination of Funding Request for Learning for Life Charter, Charter #0362 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a56.docx>)
* Determination of Funding Request for Los Angeles College Prep Academy, Charter #0741 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a57.docx>)
* Determination of Funding Request for Madera County Independent Academy, Charter #1001 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a58.docx>)
* Determination of Funding Request for Matrix for Success Academy, Charter #1961 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a59.docx>)
* Determination of Funding Request for Method Schools, LA, Charter #1697 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a60.docx>)
* Determination of Funding Request for Ocean Grove Charter, Charter #0747 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a61.docx>)
	+ Additional Attachment for Ocean Grove Charter, Charter #0747 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a62.pdf>)
* Determination of Funding Request for Opportunities for Learning - Duarte, Charter #1599 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a63.docx>)
* Determination of Funding Request for Opportunity Academy, Charter #1888 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a64.docx>)
* Determination of Funding Request for Options for Youth-Acton, Charter #1911 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a65.docx>)
	+ Additional Attachment for Options for Youth-Acton, Charter #1911 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a66.pdf>)
* Determination of Funding Request for Orchard View Charter, Charter #0310 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a67.docx>)
* Determination of Funding Request for Pacific Coast Academy, Charter #1892 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a68.docx>)
	+ Additional Attachment for Pacific Coast Academy, Charter #1892 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a69.pdf>)
* Determination of Funding Request for Pacific View Charter School 2.0, Charter #1884 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a70.docx>)
* Determination of Funding Request for Paseo Grande Charter, Charter #1727 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a71.docx>)
* Determination of Funding Request for Pioneer Technical Center, Charter #0460 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a72.docx>)
* Determination of Funding Request for Pivot Charter School Riverside, Charter #1984 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a73.docx>)
* Determination of Funding Request for Placer County Pathways Charter, Charter #1432 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a74.docx>)
* Determination of Funding Request for Rio Valley Charter, Charter #1229 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a75.docx>)
* Determination of Funding Request for Sage Oak Charter, Charter #1885 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a76.docx>)
* Determination of Funding Request for Sage Oak Charter School - Keppel, Charter #1886 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a77.docx>)
* Determination of Funding Request for Santa Rosa Academy, Charter #0730 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a78.docx>)
	+ Additional Attachment for Santa Rosa Academy, Charter #0730 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a79.pdf>)
* Determination of Funding Request for Stanislaus Alternative Charter, Charter #1607 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a80.docx>)
* Determination of Funding Request for Sutter Peak Charter Academy, Charter #1764 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a81.docx>)
* Determination of Funding Request for Trillium Charter, Charter #0891 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a82.docx>)
* Determination of Funding Request for Trivium Charter, Charter #1319 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a83.docx>)
* Determination of Funding Request for Twin Ridges Home Study Charter, Charter #1428 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a84.docx>)
* Determination of Funding Request for W.E.B. DuBois Public Charter, Charter #0270 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a85.docx>)
* Determination of Funding Request for Yosemite Valley Charter, Charter #1841 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a86.docx>)
	+ Additional Attachment for Yosemite Valley Charter, Charter #1841 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a87.pdf>)
* Determination of Funding Request for Venture Academy, Charter #0423 (<https://www.cde.ca.gov/be/cc/cs/documents/accs-apr24item01a88.docx>)

## Attachment

* **Attachment 1:** Recommendations for Nonclassroom-Based Determination of Funding
1. The PTR criteria outlined in this table pertain only to charter schools submitting 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)