

CALIFORNIA STATE BOARD OF EDUCATION

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April 9, 2003

To: Members of the State Board of Education

A large, stylized handwritten signature in black ink, appearing to read "RH".

From: Reed Hastings, President

Subject: Item 18, April 2003 Agenda
Permanent Regulations Regarding Claims for Average Daily Attendance
for Pupils Over the Age of 19 by Charter Schools and Charter Granting
Entities

In Item 18, the State Board's initial proposal for permanent regulations is presented. I recommend that the State Board amend the proposed regulations and send them out for 15-day public review in accordance with the Administrative Procedure Act.

The present proposal substantially addresses the issue of adult students in charter schools being claimed for vastly more state revenue than the same students in adult education. However, I am concerned that the proposal still lacks a "bright line" (i.e., an absolute maximum age) to facilitate the auditing process. Accordingly, I recommend inclusion of a provision that no student over the age of 22 be claimable.

In the following text, the existing regulations is shown with no underline; the proposed addition before us today appears in single underline; and my recommended amendments appear in ~~double strikeout~~ and double underline.

§11960. Regular Average Daily Attendance for Charter Schools.

(a) As used in Education Code section 47612, "attendance" means the attendance of charter school pupils while engaged in educational activities required of them by their charter schools, on days when school is actually taught in their charter schools. "Regular average daily attendance" shall be computed by dividing a charter school's total number of pupil-days of attendance by the number of calendar days on which school was actually taught in the charter school. For purposes of determining a charter school's total number of pupil-days of attendance, no pupil may generate more than one day of attendance in a calendar day.

(b) The State Superintendent of Public Instruction shall proportionately reduce the amount of funding that would otherwise have been apportioned to a charter school on the basis of average daily attendance for a fiscal year, if school was actually taught in the charter school on fewer than 175 calendar days during that fiscal year.

(c) (1) Beginning in 2003-04, a pupil who is over the age of 19 years may generate attendance for apportionment purposes in a charter school only if ~~the~~ both of the following conditions are met:

(A) The pupil was enrolled in a public school in pursuit of a high school diploma (or, if a student in special education, an individualized education program) while 19 years of age and, without a break in public school enrollment since that time, is enrolled in the charter school and is making satisfactory progress towards award of a high school diploma (or, if a student in special education, satisfactory progress in keeping with an individualized education program) consistent with the definition of satisfactory progress set forth in subdivision (b) of Section 11965.

(B) The pupil is not over the age of 22 years.

(2) This subdivision shall not apply to a charter school program specified in Education Code section 47612.1. A charter school program as specified in Education Code section 47612.1 may be either:

(1) (A) the whole of a charter school, if the school has an exclusive partnership agreement with one or more of the programs specified in Education Code section 47612.1 and serves no other pupils; or

(2) (B) an instructional program operated by a charter school that is exclusively dedicated to pupils who are also participating in one of the programs specified in Education Code section 47612.1, provided that arrangement is set forth in an exclusive partnership agreement between the charter school and one or more of the programs specified in Education Code section 47612.1.

(d) No individual who is ineligible to generate attendance for apportionment purposes in a charter school pursuant to subdivision (c) may be claimed as regular attendance for apportionment purposes by a local education agency that is authorized by law to grant charters. This subdivision shall not apply to claims other than claims for regular attendance for apportionment purposes.

Cc: State Superintendent Jack O'Connell
CDE Executive Staff