



NOVEMBER 2003 AGENDA

SUBJECT: 2002-03 (and beyond) determination of funding requests from charter schools pursuant to Senate Bill 740 (Chapter 892, Statutes of 2001), specifically Education Code Sections 47612.5 and 47634.2, and California Code of Regulations, Title 5, Sections 11963 to 11963.6, inclusive: Retroactive approval.	<input checked="" type="checkbox"/> ACTION
	<input type="checkbox"/> INFORMATION
	<input type="checkbox"/> PUBLIC HEARING

RECOMMENDATION:

Retroactively approve 2002-03 (and beyond) determination of funding requests from charter schools pursuant to Education Code Sections 47612.5 and 47634.2, and California Code of Regulations, Title 5, Sections 11963 to 11963.6, inclusive, based upon the recommendations of the Advisory Commission on Charter Schools and the California Department of Education.

Summary of Previous State Board of Education Discussion and Action

Senate Bill 740 (Chapter 892, Statutes of 2001) enacted provisions of law calling upon charter schools to prepare and the State Board to act upon determination of funding requests relating to pupils who receive nonclassroom-based instruction (in excess of an amount of nonclassroom-based instruction that the statute allows as part of classroom-based instruction). The State Board adopted regulations (in keeping with SB 740) to define certain terms and establish criteria for the evaluation of determination of funding requests. The regulations are anticipated to formally become operative on or about November 5, 2003.

Summary of Key Issue(s)

Under SB 740, an approved determination of funding is required (beginning in 2001-02) in order for a charter school to receive funding for pupils receiving nonclassroom-based instruction (in excess of the amount of nonclassroom-based instruction that the statute allows as part of classroom-based instruction). All requests in 2001-02 were for that year only.

The Advisory Commission on Charter Schools considered a number of 2002-03 (and beyond) determination of funding requests and made recommendations to the State Board. The California Department of Education concurred with those recommendations. Although the State Board previously acted on these determinations of funding (except as noted), the permanent implementing regulations were not formally operative when those actions were taken. Thus, now that the regulations are operative, it is recommended that the State Board retroactively approve the 2002-03 (and beyond) determinations of funding and preclude the possible retroactive reduction (or complete loss) of 2002-03 allocations by affected charter schools.

Fiscal Analysis (as appropriate)

A determination of funding request approved at less than the 100 percent level may result in slightly reduced apportionment claims to the state. The reductions in claims would result in a proportionate reduction in expenditure demands for Proposition 98 funds. All Proposition 98 funds, by law, must be expended each fiscal year. Thus, a reduction in apportionment claims may be more accurately characterized as an expenditure shift than as absolute savings under typical circumstances. However, if total claims for Proposition 98 funding are greater than available funds in a given year, then the reduction in apportionments attributable to nonclassroom-based instruction may be regarded as a reduction in the deficit for that year.

Background Information attached to this Agenda Item

The listing of specific recommendations is attached. More information regarding individual schools' determinations of funding requests is available for public inspection in the Charter Schools Division of the California Department of Education.

Attachment To Agenda Item Regarding
2002-03 (And Beyond) Determination Of Funding Requests
 November 2003

The following determination of funding requests are recommended for retroactive approval by the State Board of Education for one year only (2002-03) at the 60 percent level. The reasons justifying a level lower than 80 percent in 2002-03 are that (1) the schools are below the minimum criteria specified in regulation for the 80 percent level and (2) no mitigating factors reasonably overcome the failure to meet the minimum criteria. The reason justifying a level lower than 70 percent is that taking into account the totality of the information received, the purposes for which the schools spent public revenues in 2001-02 do not warrant funding at the 70 percent level in 2002-03.

Charter Number	Charter Name	2002-03	2003-04	2004-05
13	Options for Youth – Victor Valley Charter School	60%	N/A	N/A
105	Options for Youth – Upland Charter School	60%	N/A	N/A
117	Options for Youth – San Gabriel Charter School	60%	N/A	N/A
130	Options for Youth – Burbank Charter School	60%	N/A	N/A
139	Options for Youth – Mt. Shasta Charter School	60%	N/A	N/A
188	Opportunities for Learning Charter School – Hacienda La Puente	60%	N/A	N/A
214	Opportunities for Learning Charter School – Santa Clarita	60%	N/A	N/A
217	Options for Youth – San Juan Charter School	60%	N/A	N/A
402	Opportunities for Learning Charter School – Baldwin Park	60%	N/A	N/A
463	Opportunities for Learning-Capistrano	60%	N/A	N/A

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2002-03 (And Beyond) Determination Of Funding Requests
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The following determination of funding requests are recommended for retroactive approval by the State Board of Education for one year only (2002-03) at the 70 percent level. The reasons justifying a level lower than 80 percent in 2002-03 are that (1) the schools are below the minimum criteria specified in regulation for the 80 percent level and (2) no mitigating factors reasonably overcome the failure to meet the minimum criteria.

Charter Number	Charter Name	2002-03	2003-04	2004-05
44	West Park Charter Academy	70%	N/A	N/A
51	Charter Oak	70%	N/A	N/A
196	Fresno Prep Academy	70%	N/A	N/A
262	California Charter Academy – Snowline (Victorville)	70%	N/A	N/A
297	California Charter Academy – Orange	70%	N/A	N/A
377	California Charter Academy – Snowline	70%	N/A	N/A
379	One Step UP	70%	N/A	N/A

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2002-03 (And Beyond) Determination Of Funding Requests
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The following determination of funding requests are recommended for retroactive approval by the State Board of Education for one year only (2002-03) at the 80 percent level. The 80 percent level, as recommended, is consistent with the level specified in statute for 2002-03. No reasons justifying a higher or lower level are necessary.

Charter Number	Charter Name	2002-03	2003-04	2004-05
88	Mid Valley Alternative Charter School	80%	N/A	N/A
159	Mattole Valley Charter School	80%	N/A	N/A
165	Camptonville Academy	80%	N/A	N/A
267	Julian Charter School	80%	N/A	N/A
279	Modoc Charter School	80%	N/A	N/A
282	Eagles Peak Charter School	80%	N/A	N/A
285	Gorman Learning Center	80%	N/A	N/A
324	HomeSmart Kids of Knightsen	80%	N/A	N/A
356	Golden Valley Charter School	80%	N/A	N/A
370	Wheatland Charter Academy	80%	N/A	N/A
411	Desert Sands Charter School	80%	N/A	N/A

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2002-03 (And Beyond) Determination Of Funding Requests
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The following determination of funding requests are recommended for retroactive approval by the State Board of Education for one year only (2002-03) at the 100 percent level. The reasons justifying a level higher than 80 percent in 2002-03 are that (1) the schools met the minimum criteria specified in regulation for the 100 percent level and (2) the schools presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding level is necessary for the schools to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

Charter Number	Charter Name	2002-03	2003-04	2004-05
D-2	Kingsburg Community Charter Extension	100%	N/A	N/A
15	Horizon Instructional Systems	100%	N/A	N/A
20	Santa Barbara Elementary School	100%	N/A	N/A
26	Twin Ridges Home Study Charter	100%	N/A	N/A
56	Elise P. Buckingham Charter School	100%	N/A	N/A
61	Choices 2000 Online	100%	N/A	N/A
63	Mountain Home School Charter	100%	N/A	N/A
67	Home Tech	100%	N/A	N/A
69	Nevada City Home Study Charter	100%	N/A	N/A
80	Hart-Ransom Academic Charter School	100%	N/A	N/A
82	Union Hill Charter School	100%	N/A	N/A
99	East Bay Conservation Corps	100%	N/A	N/A
103	Oakdale Home Study	100%	N/A	N/A
108	Chrysalis Charter School	100%	N/A	N/A
110	Learning Community Charter School	100%	N/A	N/A
120	River Valley Charter School	100%	N/A	N/A
136	Sierra Charter School	100%	N/A	N/A
138	Challenge Home School Charter	100%	N/A	N/A
144	Prosser Creek Charter School	100%	N/A	N/A
146	Plumas Charter School	100%	N/A	N/A
149	School of Unlimited Learning	100%	N/A	N/A
152	Circle of Independent Learning	100%	N/A	N/A
155	Paradise Charter Network	100%	N/A	N/A
160	Liberty Family Academy	100%	N/A	N/A
163	New Millennium Institute of Education	100%	N/A	N/A

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Charter Number	Charter Name	2002-03	2003-04	2004-05
170	Pacific Coast Charter School	100%	N/A	N/A
171	New Jerusalem Charter School ¹	100%	N/A	N/A
179	Santa Barbara Middle School	100%	N/A	N/A
183	Academy for Career Education	100%	N/A	N/A
199	Classical Academy, The	100%	N/A	N/A
223	Stellar Charter School of Technology and Home Study	100%	N/A	N/A
247	Pacific View Charter School	100%	N/A	N/A
250	Charter Home School Academy	100%	N/A	N/A
255	Muir Charter School	100%	N/A	N/A
256	Shasta Secondary Home School	100%	N/A	N/A
257	Sanger Hallmark Charter School	100%	N/A	N/A
270	WEB DuBois Public Charter	100%	N/A	N/A
277	Pacific View Charter School	100%	N/A	N/A
301	Summit Charter	100%	N/A	N/A
320	Long Valley Charter School	100%	N/A	N/A
332	Valley Oaks Charter School	100%	N/A	N/A
354	Forest Charter School	100%	N/A	N/A
357	Denair Charter School	100%	N/A	N/A
358	Castle Rock Charter School	100%	N/A	N/A
362	Learning for Life Charter	100%	N/A	N/A
366	Shenandoah High School	100%	N/A	N/A
375	La Vida Independent Study Charter School	100%	N/A	N/A
378	Carter G. Woodson Charter Academy	100%	N/A	N/A
386	University Preparatory Charter	100%	N/A	N/A
391	BASIS	100%	N/A	N/A
392	Gold Rush Home Study Charter	100%	N/A	N/A
395	Eleanor Roosevelt Community Learning Center	100%	N/A	N/A
419	Dehesa Charter School	100%	N/A	N/A

¹ At its meeting on July 11, 2003, the Advisory Commission on Charter Schools considered a second determination of funding request from this school submitted in 2002-03. The Advisory Commission recommended that the State Board confirm the one-year (2002-03 only) determination of funding.

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Charter Number	Charter Name	2002-03	2003-04	2004-05
423	one.Charter School	100%	N/A	N/A
424	Wonder to Wisdom	100%	N/A	N/A
468	Bonsall Charter Academy	100%	N/A	N/A
472	Central Coast Virtual Academy	100%	N/A	N/A
477	Connecting Waters Charter School	100%	N/A	N/A
479	Glacier High School Charter	100%	N/A	N/A
482	Center for Excellence in Education/Big Bear	100%	N/A	N/A
490	Stellar Charter High School	100%	N/A	N/A
492	Pathways Charter School	100%	N/A	N/A
493	California Virtual Academy-San Diego	100%	N/A	N/A
494	California Virtual Academy-Kern	100%	N/A	N/A
495	California Virtual Academy-Jamestown	100%	N/A	N/A
496	Morro Hills Charter Academy	100%	N/A	N/A
500	Mountain Empire Applied Sciences	100%	N/A	N/A
501	Valley Oak Charter School	100%	N/A	N/A
504	Whitmore Charter School	100%	N/A	N/A

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2002-03 (And Beyond) Determination Of Funding Requests
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The following determination of funding requests are recommended for retroactive approval by the State Board of Education for two years (2002-03 and 2003-04) at the 100 percent level. The reasons justifying a level higher than 80 percent in 2002-03 and higher than 70 percent in 2003-04 are that (1) the schools met the minimum criteria specified in regulation for the 100 percent level and (2) the schools presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding level is necessary for the schools to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

Charter Number	Charter Name	2002-03	2003-04	2004-05
19	Natomas Charter School	100%	100%	N/A
27	Elk Grove Charter School	100%	100%	N/A
92	Yuba County Career Preparatory Charter	100%	100%	N/A
126	Challenge Charter High School	100%	100%	N/A
203	Lammersville	100%	100%	N/A
248	Visions in Education Charter School	100%	100%	N/A
254	Anderson Valley Charter Network	100%	100%	N/A
261	Greater San Diego Academy	100%	100%	N/A
275	Choices	100%	100%	N/A
310	Orchard View Charter School	100%	100%	N/A
393	Delta Charter High School	100%	100%	N/A
406	Audeo Charter School	100%	100%	N/A

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2002-03 (And Beyond) Determination Of Funding Requests
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The following determination of funding requests are recommended for retroactive approval by the State Board of Education for three years (2002-03, 2003-04, and 2004-05) at the 100 percent level. The reasons justifying a level higher than 80 percent in 2002-03 and higher than 70 percent in 2003-04 and 2004-05 are that (1) the schools met the minimum criteria specified in regulation for the 100 percent level and (2) the schools presented sufficient evidence (taking the totality of the request into account along with any other credible information that may have been available) that the 100 percent funding level is necessary for the schools to maintain nonclassroom-based instruction that is conducted for the instructional benefit of the student and is substantially dedicated to that function.

Charter Number	Charter Name	2002-03	2003-04	2004-05
D-4	Hickman Charter School	100%	100%	100%
5	Charter Community School, Home Study Academy and Extended Day	100%	100%	100%
22	Grass Valley Charter School	100%	100%	100%
25	San Lorenzo Valley Charter School	100%	100%	100%
28	Charter School of San Diego	100%	100%	100%
74	Excelsior Education Center	100%	100%	100%
85	Keyes to Learning	100%	100%	100%
101	Charter 101 Elementary School	100%	100%	100%
327	Monterey County Home Charter School	100%	100%	100%
344	Antelope View Home Charter	100%	100%	100%
421	Olive Grove Charter School	100%	100%	100%

Information regarding each of the above-mentioned determination of funding requests is available for public inspection at the State Board Office.