

Introduced by Senator RomeroFebruary 26, 2009

An act to amend Section 47614.5 of the Education Code, relating to charter school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 378, as introduced, Romero. Charter school facilities.

Existing law establishes the Charter School Facility Grant Program to provide assistance with facility rent and lease costs for pupils in charter schools and states the intent of the Legislature that not less than \$18,000,000 annually be appropriated for purposes of the program. Eligibility for a grant is based on the percentage of pupils who are eligible for free and reduced price meals and are enrolled in the charter school or reside in the attendance area of, or are enrolled in, the public elementary school where the charter school is physically located. Funds appropriated for purposes of the program are prohibited from being apportioned for units of average daily attendance generated through nonclassroom based instruction, as defined, or for a school that does not comply with conditions or limitations set forth in regulations adopted by the state board.

Existing law, commencing with the 2008–09 fiscal year, phases out the Year-Round School Grant Program over a 4-year period by reducing grant amounts by 20% each fiscal year and requires that the Budget Acts for each fiscal year of the phase out period appropriate to the State Department of Education for the Charter School Facility Grant Program an amount equal to the amount appropriated for the 2007–08 fiscal year, plus the amount equal to the reduction in funding for the Year-Round School Grant Program.

This bill would delete the prohibition against apportionments under the Charter School Grant Program for units of average daily attendance generated through nonclassroom based instruction or for a school that does not comply with conditions or limitations set forth in regulations adopted by the state board.

The bill would require eligibility for this grant program to be expanded if funds remain after charter schools that meet the existing free and reduced price meals threshold are funded.

The bill would specify deadlines by which grant funding would be required to be allocated to charter schools.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47614.5 of the Education Code is
2 amended to read:

3 47614.5. (a) The Charter School Facility Grant Program is
4 hereby established and shall be administered by the department.
5 The grant program is intended to provide assistance with facilities
6 rent and lease costs for pupils in charter schools.

7 (b) Subject to the annual Budget Act, eligible schools shall
8 receive an amount of up to, but not more than, seven hundred fifty
9 dollars (\$750) per unit of average daily attendance, as certified at
10 the second principal apportionment, to reimburse an amount of up
11 to, but not more than, 75 percent of the annual facilities rent and
12 lease costs for the charter school. In any fiscal year, if the funds
13 appropriated for the purposes of this section by the annual Budget
14 Act are insufficient to fund the approved amounts fully, the
15 Superintendent shall apportion the available funds on a pro rata
16 basis.

17 (c) For purposes of this section, the department shall do all of
18 the following:

- 19 (1) Inform charter schools of the grant program.
- 20 (2) Upon application by a charter school, determine eligibility,
21 based on the geographic location of the charter schoolsite, pupil
22 eligibility for free or reduced price meals, and a preference in
23 admissions, as appropriate. Eligibility for funding shall not be
24 limited to the grade level or levels served by the school whose
25 attendance area is used to determine eligibility. Charter schoolsites

1 are eligible for funding pursuant to this section if the charter
2 schoolsite meets either of the following conditions:

3 (A) The charter schoolsite is physically located in the attendance
4 area of a public elementary school in which 70 percent or more of
5 the pupil enrollment is eligible for free or reduced-priced *price*
6 meals and the schoolsite gives a preference in admissions to pupils
7 who are currently enrolled in that public elementary school and to
8 pupils who reside in the elementary school attendance area where
9 the charter schoolsite is located.

10 (B) Seventy percent or more of the pupil enrollment at the
11 charter schoolsite is eligible for free or reduced price meals.

12 (C) *Notwithstanding subparagraphs (A) and (B), in any year*
13 *in which additional funds remain after state and federal funds are*
14 *allocated to eligible applicants who meet the eligibility criteria in*
15 *subparagraphs (A) and (B), the department shall expand eligibility*
16 *to additional schools by reducing the free and reduced price meals*
17 *threshold 5 percentage points at a time, but in no case below 50*
18 *percent. The department shall allocate funds to schools below the*
19 *70 percent free and reduced price meals threshold in order of the*
20 *highest eligibility percentage first until all available funds are*
21 *allocated.*

22 (3) Inform charter schools of their grant eligibility.

23 (4) Reimburse charter schools for eligible expenditures in a
24 timely manner. *Funding shall be allocated within 120 days of the*
25 *start of the fiscal year in which the costs are incurred based on*
26 *estimates of the cost of an eligible school. The department may*
27 *withhold up to 25 percent of the total payment of a school pending*
28 *the final documentation of actual costs incurred, but shall allocate*
29 *the final payment for eligible costs no later than 60 days after the*
30 *start of the following fiscal year.*

31 ~~(5) No later than June 30, 2005, report to the Legislature on the~~
32 ~~number of charter schools that have participated in the grant~~
33 ~~program pursuant to the expanded eligibility prescribed in~~
34 ~~paragraph (2). In addition, the report shall provide~~
35 ~~recommendations and suggestions on improving the grant program.~~

36 (d) Funds appropriated for purposes of this section shall not be
37 apportioned for any of the following:

38 (1) ~~Units of average daily attendance generated through~~
39 ~~nonclassroom-based instruction as defined by paragraph (2) of~~
40 ~~subdivision (d) of Section 47612.5 or that does not comply with~~

1 ~~conditions or limitations set forth in regulations adopted by the~~
2 ~~state board pursuant to this section.~~

3 ~~(2)~~

4 ~~(1) Charter schools occupying school facility costs associated~~
5 ~~with existing school district or county office of education facilities.~~

6 ~~(3)~~

7 ~~(2) Charter schools receiving school facility costs associated~~
8 ~~with reasonably equivalent facilities from their chartering authority~~
9 ~~pursuant to Section 47614.~~

10 (e) Funds appropriated for purposes of this section shall be used
11 for costs associated with facilities rents and leases, consistent with
12 the definitions used in the California School Accounting Manual.
13 These funds also may be used for costs, including, but not limited
14 to, costs associated with remodeling buildings, deferred
15 maintenance, initially installing or extending service systems and
16 other built-in equipment, and improving sites.

17 (f) If an existing charter school located in an elementary
18 attendance area in which less than 50 percent of pupil enrollment
19 is eligible for free or reduced price meals relocates to an attendance
20 area identified in paragraph (2) of subdivision (c), admissions
21 preference shall be given to pupils who reside in the elementary
22 school attendance area into which the charter school is relocating.

23 (g) The Superintendent annually shall report to the state board
24 regarding the use of funds that have been made available during
25 the fiscal year to each charter school pursuant to the grant program.

26 (h) It is the intent of the Legislature that not less than eighteen
27 million dollars (\$18,000,000) annually be appropriated for purposes
28 of the grant program on the same basis as other elementary and
29 secondary education categorical programs.