

AMENDED IN ASSEMBLY JUNE 17, 2009

AMENDED IN SENATE APRIL 20, 2009

AMENDED IN SENATE APRIL 14, 2009

SENATE BILL

No. 191

Introduced by Senator Wright

February 18, 2009

An act to amend Section 47660 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 191, as amended, Wright. Charter schools: funding.

Existing law requires the Superintendent of Public Instruction annually to compute a general-purpose entitlement for each charter school, as specified. Existing law prescribes calculations to modify that general-purpose entitlement with regard to specified pupils who attend a charter school that is established through the conversion of an existing public school within a unified school district on or after July 1, 2005.

This bill would provide that those modified calculations do not apply to charter schools that convert to charter schools on or after ~~July~~ *January* 1, 2010, or to charter schools that are independently governed and operated by a nonprofit public benefit corporation. The bill instead would provide for such charter schools to receive general-purpose funding, as specified. The bill would declare that these provisions do not ~~preclude~~ *preclude* a charter school or unified school district from agreeing to an alternative funding formula.

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

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

SECTION 1. Section 47660 of the Education Code is amended to read:

47660. (a) For purposes of computing eligibility for, and entitlements to, general purpose funding and operational funding for categorical programs, the enrollment and average daily attendance of a sponsoring local educational agency shall exclude the enrollment and attendance of pupils in its charter schools funded pursuant to this chapter.

(b) (1) Notwithstanding subdivision (a), and commencing with the 2005–06 fiscal year, for purposes of computing eligibility for, and entitlements to, revenue limit funding, the average daily attendance of a unified school district, other than a unified school district that has converted all of its schools to charter status pursuant to Section 47606, shall include all attendance of pupils who reside in the unified school district and who would otherwise have been eligible to attend a noncharter school of the school district, if the school district was a basic aid school district in the prior fiscal year, or if the pupils reside in the unified school district and attended a charter school of that school district that converted to charter status on or after July 1, 2005. Only the attendance of the pupils described by this paragraph shall be included in the calculation made pursuant to paragraph (7) of subdivision (h) of Section 42238.

(2) Notwithstanding subdivision (a), for the 2005–06 fiscal year only, for purposes of computing eligibility for, and entitlements to, revenue limit funding, the average daily attendance of a unified school district, other than a unified school district that has converted all of its schools to charter status pursuant to Section 47606 and is operating them as charter schools, shall include all attendance of pupils who reside in the unified school district and who would otherwise have been eligible to attend a noncharter school of the unified school district if the pupils attended a charter school operating in the unified school district prior to July 1, 2005. Only the attendance of pupils described by this paragraph shall be included in the calculation made pursuant to Section 42241.3. The attendance of the pupils described by this paragraph shall be included in the calculation made pursuant to paragraph (7) of subdivision (h) of Section 42238.

(c) (1) For the attendance of pupils specified in subdivision (b), the general-purpose entitlement for a charter school that is established through the conversion of an existing public school within a unified school district on or after July 1, 2005, but before ~~July~~ January 1, 2010, shall be determined using the following amount of general-purpose funding per unit of average daily attendance, in lieu of the amount calculated pursuant to subdivision (a) of Section 47633:

(A) The amount of the actual unrestricted revenues expended per unit of average daily attendance for that school in the year prior to its conversion to, and operation as, a charter school, adjusted for the base revenue limit per pupil inflation increase adjustment set forth in Section 42238.1, if this adjustment is provided, and also adjusted for equalization, deficit reduction, and other state general-purpose increases, if any, provided for the unified school district in the year of conversion to, and operation as a charter school.

(B) For a subsequent fiscal year, the general-purpose entitlement shall be determined based on the amount per unit of average daily attendance allocated in the prior fiscal year adjusted for the base revenue limit per pupil inflation increase adjustment set forth in Section 42238.1, if this adjustment is provided, and also adjusted for equalization, deficit reduction, and other state general-purpose increases, if any, provided for the unified school district in that fiscal year.

(2) This subdivision shall not apply to a charter school that is established through the conversion of an existing public school within a unified school district on or after ~~July~~ January 1, 2010, which instead shall receive ~~general~~ general-purpose funding pursuant to Section 47633.

(3) This subdivision shall not apply to a charter school that is independently governed and operated by a nonprofit public benefit corporation, which shall instead receive general-purpose funding pursuant to Section 47633.

(4) Paragraphs (2) and (3) do not preclude a charter school or unified school district from agreeing to an alternative funding formula.

(d) Commencing with the 2005–06 fiscal year, the general-purpose funding per unit of average daily attendance specified for a unified school district for purposes of paragraph

1 (7) of subdivision (h) of Section 42238 for a school within the
2 unified school district that converted to charter status on or after
3 July 1, 2005, shall be deemed to be the amount computed pursuant
4 to subdivision (c).

5 (e) A unified school district that is the sponsoring local
6 educational agency as defined in subdivision (j) of Section 47632
7 of a charter school that is subject to paragraphs (1) and (2) of
8 subdivision (c) shall certify to the Superintendent the amount
9 specified in paragraph (1) of subdivision (c) prior to the approval
10 of the charter petition by the governing board of the school district.
11 This amount may be based on estimates of the unrestricted revenues
12 expended in the fiscal year prior to the school's conversion to
13 charter status and the school's operation as a charter school,
14 provided that the amount is recertified when the actual data
15 becomes available.

16 (f) For the purposes of this section, "basic aid school district"
17 means a school district that does not receive from the state an
18 apportionment of state funds pursuant to subdivision (h) of Section
19 42238.

20 (g) A school district may use the existing Standardized Account
21 Code Structure and cost allocation methods, if appropriate, for an
22 accounting of the actual unrestricted revenues expended in support
23 of a school pursuant to subdivision (c).

24 (h) For purposes of this section and Section 42241.3, "operating"
25 means that pupils are attending and receiving instruction at the
26 charter school.