

MEMORANDUM

Staff Summary #8.

Date: January 30, 2020

To: Members of the California School Finance Authority

From: Katrina M. Johantgen, Executive Director

Subject: Consideration of Appeal Regarding the Charter School Facility Grant Program – National University Academy Dual Language Institute

Background: Under the Charter School Facility Grant Program (Program), a charter schoolsite is eligible for funding if it meets either of the following conditions: 1) 55% or more of the applicant's pupils are eligible for Free and Reduced Priced Meals (FRPM); or 2) the charter schoolsite is physically located in the attendance area of a public elementary school with 55% or more FRPM. The applicant also must provide preference in admissions to pupils who are currently enrolled in the public elementary school used to garner eligibility as well as to pupils who reside in the elementary school attendance area.

The National University Academy Dual Language Institute (NUA Dual Language) (CDS 37103710138594) applied for an award under the Program for the first time under the 2018-19 funding round. Based on a review of 2018-19 FRPM data provided by the California Department of Education, NUA Dual Language Institute served 41.47% student eligible for FRPM and NUA Dual Language's local elementary school, Hannalei Elementary (CDS 376845201009), had a FRPM percentage of 90.11%. While Hannalei Elementary's 2018-19 FRPM met the 55% threshold, NUA Dual Language's attendance policy, as stated in the school's Charter, does not give preference in admissions to pupils who attend or reside in the attendance area of Hannalei Elementary, as required by Education Code, Section 47614.5(c)(a)(A). For this reason, on November 4, 2019, the California School Finance Authority (CSFA) notified NUA Dual Language of its ineligibility.

In its December 3, 2019 appeal to CSFA, NUA Dual Language contended the school has, "adopted policies offering preference in admissions to pupils who attend or reside in the attendance area of Hannalei Elementary and did so by quorum on December 18, 2018." However, staff denied the appeal because the admission policies do not comply with Education Code Section 47605(d)(2)(B)(i), which requires all charter admissions policies be approved by the chartering authority at a public hearing. The admission policies NUA Dual Language adopted on December 18, 2018 were not approved by their Authorizer, San Diego County Board of Education (SDCBOE), only the school's governing board.

Program staff sent several reminders to update the preference in admissions before NUA Dual Language filed the amendment with its authorizer to be heard at a public meeting at the SDCBOE Board meeting on July 24, 2019. According to the July 24, 2019 SDCBOE Board Minutes, Board member Rick Shea "expressed concern over the impacted district, Vista Unified, not being contacted regarding tonight's public hearing and suggested postponing taking action on this item." Board Member, Guadalupe González, "stated she also has concerns on the progress made by NAU and would like to review this before taking action." The SDCBOE Board voted unanimously "to not take action on this item and refer to a future agenda."

NUA Dual Language's Position: NUA Dual Language is asking the CSFA Board to recognize the school "took all of the steps within its control to meet eligibility requirements" and to overturn staff's ineligibility determination for 2018-19 Program funds.

Program/State Impact: The admission policies NUA Dual Language adopted on December 18, 2018 were not approved by the chartering authorizer as required by Education Code 47605(d)(2)(B)(i) and, further, any change to the school's preference in admissions approved by the Authorizer after the 2018-19 fiscal year would not be admissible for the 2018-19 Program's eligibility determination.

The 2018-19 Funding Round is oversubscribed and any funds used to award NUA Dual Language will lower the funds available to current awardees. If the appellant were awarded, the 2018-19 pro-rata rate would decrease from 45.29% to 44.46% and current awardees grants will be reduced by as much as \$5,500.00.

School Impact: According to NUA Dual Language, if the school does not receive its estimated award of \$218,130.50, the charter school will not be able to offer one of its programs.

Recommendation: CSFA maintains that its November 4, 2019 finding of ineligibility should stand.

Attachments:

- Attachment 1 – CSFA Ineligibility Notice
- Attachment 2 – NUA Dual Language 1st Appeal
- Attachment 3 – CSFA Appeal Response
- Attachment 4 – NUA Dual Language 2nd Appeal
- Attachment 5 – Education Code 47605(d)(2)(B)(i)
- Attachment 6 – July 24, 2019 SDCBOE Board Minutes