

## PROPOSED REGULATION WITH CHANGES

Changes proposed during the 45-day comment period are shown in single underline and single strikethrough. Proposed changes for this 15-day notice are shown in double-underline for additions and double-strikethrough for deletions.

### TEXT OF REGULATIONS

#### CALIFORNIA CODE OF REGULATIONS

#### Title 4, Division 15 California School Finance Authority

#### Article 2. ~~2004 and 2009~~ State Charter School Facilities Incentive Grant Programs

##### § 10180. Application Submission.

- (a) Application for grant funds shall be made on an online form prescribed by the Authority and will be available as described below. The Authority will accept applications during the application periods described. One original application package must be received by the Authority ~~during regular business hours~~ by the final filing date. Applications received after the final filing date for each funding round will not be accepted for review and will be returned to the applicant. For organizations with more than one charter school, a separate application is required for each charter school applying for a grant.
- (b) If the application is not complete at the time of submission, the applicant will be notified of any deficiencies and asked to supply the missing information and/or documentation. Failure to provide the required additional information and/or documentation within the timeframe prescribed by and to the satisfaction of the Authority will result in the applicant being deemed ineligible.
- (c) The application and deadline dates for each funding round will be posted on the Authority's website in ~~March~~ April 3rd ~~May 5th~~ of each year. Deadline dates will be no earlier than the first week of June of each year. Grant award determinations will be made no later than August 31st of each fiscal year.

Note: Authority cited: Sections 17179 and 17180, Education Code. Reference: Section 17180, Education Code.

##### § 10182. Evaluation Criteria.

Preference points will be calculated for all eligible applications. An application shall receive preference points based on the total of (a), (b), (c), (d), (e), and (f), up to a maximum of 150 points, as follows:

- (a) Low Income: Up to 60 points based on the percentage of pupils at the charter school eligible for FRPM. Preference points assigned shall be based on data collected and reported by the CDE for grades K-12. The following sliding scale will be used to determine the number of preference points:

<i>Percentage Eligible for Free and Reduced-Price Meals</i>	<i>Preference Points Assigned</i>
NA or unestablished	0
1-15%	2
16-25%	4
26-30%	8
31-35%	10
36-40%	14

41-45%	18
46-50%	22
51-55%	26
56-60%	28
61-65%	30
66-70%	34
71-75%	38
76-80%	42
81-85%	46
86-87%	50
88-89%	54
90%	55
91%	55.5
92%	56
93%	56.5
94%	57
95%	57.5
96%	58
97%	58.5
98%	59
99%	59.5
100%	60

~~(b) Overcrowded School Site: If the applicant charter school is physically located within the driving distance of any public school as designated in the table below for which the public school is either 1) eligible for funding under the Overcrowding Relief Grant based on the current list qualified by the most current CALPADS or CBEDS, or 2) meets the criteria for the Critically Overcrowded School program based on the most current CALPADS or CBEDS, as identified for either program by the CDE, the applicant will receive 10 preference points. The driving distance will be determined by the Locale Code assigned by the U.S. Department of Education and found on the National Center for Education Statistics (NCES) website. If no data is available on the NCES website for the applicant charter school, no points will be awarded under this category. The following table will be used to determine the maximum driving distance to receive preference points in this category~~

Nearby Every Student Succeeds Act Assistance School Site – 10 points

Applicant is located within the driving distance in the table below of any public school as designated by California Department of Education for which said public school is eligible for either 1) the Comprehensive Support and Improvement, or 2) the Additional Targeted Support and Improvement:

<b>Locale Code</b>	<b>Maximum Driving Distance in Miles</b>
City/Urban	3
Suburban	10
Town/Rural	15

~~(c) Nonprofit Entity: If the charter school or entity operating the charter school meets the definition of a nonprofit entity as defined in this article, the application will receive 20~~

~~preference points~~

Other Equity Demographics – 10 points

A charter school who serves a larger percentage of at least one of the groups listed below compared to the percentage served by the Chartering Authority ~~than the State as a whole~~, will receive 2.5 points for each group. Charter schools that serve the same percentage will receive 1 point. Charter schools who serve less will receive 0 points. These figures will be based on the State's most recent CALPADS or CBEDS report.

- English Learners
- Foster Youth
- Homeless/Unhoused
- Students with Disabilities

- (d) Student Performance: The associated preference points are based on~~If 60% of~~ the charter school's ~~students meet or exceed either the~~ Smarter Balanced Assessment -- English Language Arts/Literacy ~~standard or the Smarter Balanced Assessment~~ and Mathematics ~~standard~~ achievement levels for the most recent year and progress made from the prior year, to the extent data is available ~~for all grades, the applicant will receive 20 preference points~~. Preference points will be based on data provided by the CDE and calculated using the following:-

Level

- Very High – 5 points
- High – 3 points
- Medium – 1 point
- Low/Very Low – 0 points

Progress

- Increase Significantly – 5 points
- Increased – 3 points
- Maintained – 1 point
- Declined/ Increase Significantly – 0 points

- (e) School Choice: If the charter school is providing a school choice option ~~in a community of greatest need~~, it may receive up to 20 points through the following two options.~~The charter school may receive 10 points pursuant to subsection (e)(1) and 10 preference points pursuant to subsection (e)(2),~~ to the extent data is available from CDE for all grades. The associate points are based on the percentage difference between the charter school's distance from standard as determined by CDE through the Smarter Balanced Assessment compared to the ~~State's~~ Chartering Authority's distance from standard regarding

- ~~(1) Smarter Balanced Assessment -- English Language Arts / Literacy (10 points) standard: If the applicant charter school is physically located within the driving distance as found in the table in subsection (b) of any traditional public school serving a minimum of 50 percent of the same grade levels assessed (grades 3-8 and 11) as the applicant charter school for which CDE has calculated Smarter Balanced Assessment -- English Language Arts/Literacy standard data and a higher percentage of the applicant charter school's students met or exceeded the Smarter Balanced Assessment -- English Language Arts/Literacy standard than did the traditional school's students for the most recent year, the applicant charter school will receive 10 preference points. Verification of Smarter Balanced Assessment -- English Language Arts/Literacy standard data shall~~

~~be based on data provided by the CDE. The driving distance will be determined by the Locale Code assigned by the U.S. Department of Education and found on the NCES website. If no data is available on the NCES website or CDE website for the applicant charter school, no points will be awarded under this category.~~

- ~~(2) Smarter Balanced Assessment – Mathematics (10 Points). Standard: If the applicant charter school is physically located within the driving distance as found in the table in subsection (b) of any traditional public school serving a minimum of 50 percent of the same grade levels assessed (grades 3-8 and 11) as the applicant charter school for which CDE has calculated Smarter Balanced Assessment – Mathematics standard data and a higher percentage of the applicant charter school's students met or exceeded the Smarter Balanced Assessment – Mathematics standard than did the traditional public school's students for the most recent year, the applicant charter school will receive 10 preference points. Verification of Smarter Balanced Assessment – Mathematics standard data shall be based on data provided by the CDE. The driving distance will be determined by the Locale Code assigned by the U.S. Department of Education and found on the NCES website. If no data is available on the NCES website or CDE website for the applicant charter school, no points will be awarded under this category.~~

<u>Percentage Difference in Distance from Standard</u>	<u>Points Assigned</u>
<u>Less than 0%</u>	<u>0</u>
<u>1-25%</u>	<u>2</u>
<u>26-50%</u>	<u>4</u>
<u>51-75%</u>	<u>8</u>
<u>Greater than 76%</u>	<u>10</u>

- ~~(f) First-Time Award Competitive Priority: If an applicant charter school has not previously received an award under the Program, the applicant charter school shall receive an additional 20 preference points.~~

Note: Authority cited: Sections 17179 and 17180, Education Code. Reference: Section 17180, Education Code.