

STATE ALLOCATION BOARD AGENDA

Meeting Date: January 27, 2021

Department of General Services
707 3rd Street, 6th Floor
Conference Room 6-300
West Sacramento, CA
4:00 p.m.

Revision date: January 21, 2021

Action Items

- Replace pages 105 – 108

Thank you,

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REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, January 27, 2021

PROPOSED AMENDMENTS TO THE CHARTER SCHOOL FACILITIES PROGRAM

PURPOSE

To present proposed regulatory amendments for changing the timeline for an application filing round that is the result of an election authorizing additional funding for the Charter School Facilities Program (CSFP).

DESCRIPTION

School Facility Program (SFP) Regulation Section 1859.161 stipulates that a CSFP application filing round that is the result of an election open 90 days after the election and remain open for 120 calendar days. The Board may also establish filing rounds as needed due to available bond authority not tied to an election.

This item seeks State Allocation Board (Board) approval to amend SFP Regulation Section 1859.161 to remove the 90 and 120-day timelines to open a round required that when a round is the result of an election. The regulation amendment requires that a round begin between 180 and 365 calendar days after the election, with no requirement on the length of time the round should remain open. The amendment will provide OPSC Staff time to implement any possible statutory changes that may result from future elections and streamline the application review process.

AUTHORITY

See Attachment A.

BACKGROUND

The CSFP has provided Charter School Preliminary Apportionments to applicants over six application filing rounds to date. Four rounds were the result of an election approving additional funding and two were the result of the Board establishing additional rounds due to available bond authority.

STAFF ANALYSIS/STATEMENTS

If a future bond provides funding for the CSFP, the bond may include program changes that would require the adoption and/or amendment of regulations. Adopting and/or amending regulations may take longer than 90 days to complete. Therefore, it is necessary to change the timing of the application filing period. To do so requires a regulation change. To provide a degree of certainty to applicants as to the timing of the opening of a filing round, Staff suggests that rounds that are the result of an election begin between 180 and 365 days after the election. Additionally, to prevent unnecessary delays in the application review process, Staff suggests removing the requirement that an application round remain open for 120 days.

CONCLUSION

Staff is presenting the proposed amendment to CSFP regulation, as shown in Attachment B, for approval. Approving the regulation will enable Staff to make possible future regulation changes that are the result of an election prior to the start of a new filing round ~~and streamline the application review process.~~

RECOMMENDATIONS

1. Adopt the proposed amendment to program regulation, as shown in Attachment B.
2. Authorize the Executive Officer to file the proposed regulation with the Office of Administrative Law and make the regulations permanent.

ATTACHMENT A

AUTHORITY

Education Code (EC) Section 17070.35 states in part:

(a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following:

(1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter....

EC Section 17078.64 states in part:

(b) Except for those provisions in which the authority is expressly required or authorized to adopt regulations pursuant to this article, the board in consultation with the authority shall adopt regulations to implement this article. The board may adopt, amend, or repeal rules and regulations pursuant to this article as emergency regulations. Until July 1, 2004, the adoption, amendment, or repeal of these regulations is conclusively presumed to be necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code.

ATTACHMENT B

CHARTER SCHOOL FACILITIES PROGRAM REGULATORY AMENDMENTS

Section 1859.161. Preliminary Charter School Application Submittals.

An applicant seeking a Preliminary Charter School Apportionment shall complete and submit a Form SAB 50-09 ~~between February 2003 and March 31, 2003, or~~ during a period of 120 calendar days beginning ~~90~~180 calendar days after an election authorizing additional funding.

The Board may establish additional application filing periods as needed.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Section 17078.53, Education Code.