

CALIFORNIA CODES
EDUCATION CODE
SECTION 47610-47615

47610. A **charter** school shall comply with this part and all of the provisions set forth in its **charter**, but is otherwise exempt from the laws governing school districts, except all of the following:

(a) As specified in Section 47611.

(b) As specified in Section 41365.

(c) All laws establishing minimum age for public school attendance.

(d) The California Building Standards **Code** (Part 2 (commencing with Section 101) of Title 24 of the California **Code** of Regulations), as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the **charter** school is located.

(e) **Charter** school facilities shall comply with subdivision (d) by January 1, 2007.

47610.5. A **charter** school facility is exempt from the requirements of subdivision (d) of Section 47610 if either of the following conditions apply:

(a) The **charter** school facility complies with Article 3 (commencing with Section 17280) and Article 6 (commencing with Section 17365) of Chapter 3 of Part 10.5.

(b) The **charter** school facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards **Code**, including, but not limited to, the federal government.

47611. (a) If a **charter** school chooses to make the State Teacher's Retirement Plan available, all employees of the **charter** school who perform creditable service shall be entitled to have that service covered under the plan's Defined Benefit Program or Cash Balance Benefit Program, and all provisions of Part 13 (commencing with Section 22000) and Part 14 (commencing with Section 26000) shall apply in the same manner as the provisions apply to other public **schools** in the school district that granted the **charter**.

(b) (1) If a **charter** school offers its employees coverage by the State Teachers' Retirement System or the Public Employees' Retirement System, or both, the **charter** school shall inform all applicants for positions within that **charter** school of the retirement system options for employees of the **charter** school.

(2) The information shall specifically include whether the **charter** school makes available to employees coverage under the State Teachers' Retirement System, the Public Employees' Retirement System, or both systems, and that accepting employment in the **charter** school may exclude the applicant from further coverage in the applicant's current retirement system, depending on the retirement options offered by the **charter** of the **charter** school.

47611.3. (a) At the request of a **charter** school, a school district

or county office of **education** that is the chartering authority of a **charter** school shall create any reports required by the State Teachers' Retirement System and the Public Employees' Retirement System. The county superintendent of **schools**, employing agency, or school district that reports to those systems pursuant to Section 23004 of this **code** or Section 20221 of the Government **Code** shall submit the required reports on behalf of the **charter** school. The school district or county office of **education** may charge the **charter** school for the actual costs of the reporting services.

(b) As a condition of creating and submitting reports for the State Teachers' Retirement System and the Public Employees Retirement System, the school district or county office of **education** shall not require a **charter** school to purchase payroll processing services from the chartering authority. Information submitted on behalf of the **charter** school to the State Teachers' Retirement System, the Public Employees' Retirement System, or both, shall be in a format conforming to the requirements of those systems.

47611.5. (a) Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government **Code** shall apply to **charter schools**.

(b) A **charter** school **charter** shall contain a declaration regarding whether or not the **charter** school shall be deemed the exclusive public school employer of the employees at the **charter** school for the purposes of Section 3540.1 of the Government **Code**. If the **charter** school is not so deemed a public school employer, the school district where the **charter** is located shall be deemed the public school employer for the purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of the Government **Code**.

(c) If the **charter** of a **charter** school does not specify that it shall comply with those statutes and regulations governing public school employers that establish and regulate tenure or a merit or civil service system, the scope of representation for that **charter** school shall also include discipline and dismissal of **charter** school employees.

(d) The Public Employment Relations Board shall take into account the **Charter Schools** Act of 1992 (Part 26.8 (commencing with Section 47600)) when deciding cases brought before it related to **charter schools**.

(e) The approval or a denial of a **charter** petition by a granting agency pursuant to subdivision (b) of Section 47605 shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board.

(f) By March 31, 2000, all existing **charter schools** must declare whether or not they shall be deemed a public school employer in accordance with subdivision (b), and such declaration shall not be materially inconsistent with the **charter**.

47612. (a) A **charter** school shall be deemed to be under the exclusive control of the officers of the public **schools** for purposes of Section 8 of Article IX of the California Constitution, with regard to the appropriation of public moneys to be apportioned to any **charter** school, including, but not limited to, appropriations made for the purposes of this chapter.

(b) The average daily attendance in a **charter** school may not, in any event, be generated by a pupil who is not a California resident.

To remain eligible for generating **charter** school apportionments, a pupil over 19 years of age shall be continuously enrolled in public school and make satisfactory progress towards award of a high school diploma. The State Board of **Education** shall, on or before January 1, 2000, adopt regulations defining "satisfactory progress."

(c) A **charter** school shall be deemed to be a "school district" for purposes of Article 1 (commencing with Section 14000) of Chapter 1 of Part 9, Section 41301, Section 41302.5, Article 10 (commencing with Section 41850) of Chapter 5 of Part 24, Section 47638, and Sections 8 and 8.5 of Article XVI of the California Constitution.

47612.1. Except for the requirement that a pupil be a California resident, subdivision (b) of Section 47612 shall not apply to a **charter** school program that provides instruction exclusively in partnership with any of the following:

(a) The federal Workforce Investment Act of 1998 (Pub. L. No. 105-220; 29 U.S.C. Sec. 2801, et seq.).

(b) Federally affiliated Youth Build programs.

(c) Federal job corps training or instruction provided pursuant to a memorandum of understanding with the federal provider.

(d) The California Conservation Corps or local conservation corps certified by the California Conservation Corps pursuant to Sections 14406 or 14507.5 of the Public Resources **Code**.

47612.5. (a) Notwithstanding any other provision of law and as a condition of apportionment, a **charter** school shall do all of the following:

(1) For each fiscal year, offer, at a minimum, the following number of minutes of instruction:

(A) To pupils in kindergarten, 36,000 minutes.

(B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.

(C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.

(D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.

(2) Maintain written contemporaneous records that document all pupil attendance and make these records available for audit and inspection.

(3) Certify that its pupils have participated in the state testing programs specified in Chapter 5 (commencing with Section 60600) of Part 33 in the same manner as other pupils attending public **schools** as a condition of apportionment of state funding.

(b) Notwithstanding any other provision of law and except to the extent inconsistent with this section and Section 47634.2, a **charter** school that provides independent study shall comply with Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 and implementing regulations adopted thereunder. The State Board of **Education** shall adopt regulations that apply this article to **charter schools**. To the extent that these regulations concern the qualifications of instructional personnel, the State Board of **Education** shall be guided by subdivision (1) of Section 47605.

(c) A reduction in apportionment made pursuant to subdivision (a) shall be proportional to the magnitude of the exception that causes the reduction. For purposes of paragraph (1) of subdivision (a), for each **charter** school that fails to offer pupils the minimum number of minutes of instruction specified in that paragraph, the Superintendent shall withhold from the **charter** school's apportionment for average daily attendance of the affected pupils, by grade level,

the sum of that apportionment multiplied by the percentage of the minimum number of minutes of instruction at each grade level that the **charter** school failed to offer.

(d) (1) Notwithstanding any other provision of law and except as provided in paragraph (1) of subdivision (e), a **charter** school that has an approved **charter** may receive funding for nonclassroom-based instruction only if a determination for funding is made pursuant to Section 47634.2 by the State Board of **Education**. The determination for funding shall be subject to any conditions or limitations the State Board of **Education** may prescribe. The State Board of **Education** shall adopt regulations on or before February 1, 2002, that define and establish general rules governing nonclassroom-based instruction that apply to all **charter schools** and to the process for determining funding of nonclassroom-based instruction by **charter schools** offering nonclassroom-based instruction other than the nonclassroom-based instruction allowed by paragraph (1) of subdivision (e). Nonclassroom-based instruction includes, but is not limited to, independent study, home study, work study, and distance and computer-based **education**. In prescribing any conditions or limitations relating to the qualifications of instructional personnel, the State Board of **Education** shall be guided by subdivision (1) of Section 47605.

(2) Except as provided in paragraph (2) of subdivision (b) of Section 47634.2, a **charter** school that receives a determination pursuant to subdivision (b) of Section 47634.2 is not required to reapply annually for a funding determination of its nonclassroom-based instruction program if an update of the information the State Board of **Education** reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the board. A **charter** school that has achieved a rank of 6 or greater on the Academic Performance Index for the two years immediately prior to receiving a funding determination pursuant to subdivision (b) of Section 47634.2 shall receive a five-year determination and is not required to annually reapply for a funding determination of its nonclassroom-based instruction program if an update of the information the State Board of **Education** reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the board. Notwithstanding any provision of law, the State Board of **Education** may require a **charter** school to provide updated information at any time it determines that a review of that information is necessary. The State Board of **Education** may terminate a determination for funding if updated or additional information requested by the board is not made available to the board by the **charter** school within a reasonable amount of time or if the information otherwise supports termination. A determination for funding pursuant to Section 47634.2 may not exceed five years.

(3) A **charter** school that offers nonclassroom-based instruction in excess of the amount authorized by paragraph (1) of subdivision (e) is subject to the determination for funding requirement of Section 47634.2 to receive funding each time its **charter** is renewed or materially revised pursuant to Section 47607. A **charter** school that materially revises its **charter** to offer nonclassroom-based instruction in excess of the amount authorized by paragraph (1) of subdivision (e) is subject to the determination for funding requirement of Section 47634.2.

(e) (1) Notwithstanding any other provision of law, and as a condition of apportionment, "classroom-based instruction" in a **charter** school, for the purposes of this part, occurs only when **charter** school pupils are engaged in educational activities required

of those pupils and are under the immediate supervision and control of an employee of the **charter** school who possesses a valid teaching certification in accordance with subdivision (1) of Section 47605. For purposes of calculating average daily attendance for classroom-based instruction apportionments, at least 80 percent of the instructional time offered by the **charter** school shall be at the schoolsite, and the **charter** school shall require the attendance of all pupils for whom a classroom-based apportionment is claimed at the schoolsite for at least 80 percent of the minimum instructional time required to be offered pursuant to paragraph (1) of subdivision (a) of Section 47612.5.

(2) For the purposes of this part, "nonclassroom instruction" or "nonclassroom-based instruction" means instruction that does not meet the requirements specified in paragraph (1). The State Board of **Education** may adopt regulations pursuant to paragraph (1) of subdivision (d) specifying other conditions or limitations on what constitutes nonclassroom-based instruction, as it deems appropriate and consistent with this part.

(3) For purposes of this part, a schoolsite is a facility that is used principally for classroom instruction.

(4) Notwithstanding any other provision of law, neither the State Board of **Education**, nor the Superintendent may waive the requirements of paragraph (1) of subdivision (a).

47612.6. (a) The State Board of **Education** may waive fiscal penalties calculated pursuant to subdivision (c) of Section 47612.5 for a **charter** school that fails to offer the minimum number of instructional minutes required pursuant to subdivision (a) of Section 47612.5 for the fiscal year.

(b) For fiscal penalties incurred as a result of providing insufficient instructional minutes in the 2002-03 fiscal year, or any fiscal year thereafter, the State Board of **Education** may grant a waiver only upon the condition that the **charter** school agrees to maintain minutes of instruction equal to those minutes of instruction it failed to offer and the minimum number of instructional minutes required pursuant to subdivision (a) of Section 47612.5 for twice the number of years that it failed to maintain the required minimum number of instructional minutes for the fiscal year. Compliance with the condition shall commence no later than the school year following the fiscal year that the waiver was granted and shall continue for each subsequent school year until the condition is satisfied.

(c) Compliance with the condition set forth in subdivision (b) shall be verified in the report of the annual audit of the **charter** school for each fiscal year in which it is required to maintain additional time pursuant to subdivision (b). If the audit report for a year in which the additional time is required to be maintained does not verify that the additional time was provided, the waiver granted pursuant to subdivision (b) shall be revoked and the **charter** school shall repay the fiscal penalty calculated pursuant to subdivision (c) of Section 47612.5, in accordance with subdivision (a) of Section 41344.

(d) It is the intent of the Legislature that **charter schools** make every effort to make up any instructional minutes lost during the fiscal year in which the loss occurred rather than seek a waiver pursuant to this section.

47612.7. (a) Notwithstanding Section 47612.5 or any other provision of law, the Center for Advanced Research and Technology, operating pursuant to a joint powers agreement between the Clovis Unified School District and the Fresno Unified School District, is eligible to receive general-purpose funding, as calculated pursuant to Section 47633, for the 2005-06 and 2006-07 fiscal years for a total average daily attendance not to exceed the center's average daily attendance as determined at the second principal apportionment for the 2005-06 and 2006-07 fiscal years, respectively, and for the 2007-08 fiscal year for a total average daily attendance not to exceed the center's average daily attendance as determined at the second principal apportionment for the 2006-07 fiscal year.

(b) Commencing with the 2008-09 fiscal year, the Center for Advanced Research and Technology, as described in subdivision (a), is not eligible to receive funding pursuant to Chapter 6 (commencing with Section 47630). (c) This section shall become inoperative on July 1, 2012, and, as of January 1, 2013, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2013, deletes or extends the dates on which it becomes inoperative and is repealed.

47613. (a) Except as set forth in subdivision (b), a chartering authority may charge for the actual costs of supervisory oversight of a **charter** school not to exceed 1 percent of the revenue of the **charter** school.

(b) A chartering authority may charge for the actual costs of supervisory oversight of a **charter** school not to exceed 3 percent of the revenue of the **charter** school if the **charter** school is able to obtain substantially rent free facilities from the chartering authority.

(c) A local agency that is given the responsibility for supervisory oversight of a **charter** school, pursuant to paragraph (1) of subdivision (k) of Section 47605, may charge for the actual costs of supervisory oversight, and administrative costs necessary to secure **charter** school funding. A **charter** school that is charged for costs under this subdivision may not be charged pursuant to subdivision (a) or (b).

(d) This section does not prevent the **charter** school from separately purchasing administrative or other services from the chartering authority or any other source.

(e) For purposes of this section, a chartering authority means a school district, county board of **education**, or the state board, that granted the **charter** to the **charter** school.

(f) For purposes of this section, "revenue of the **charter** school" means the general purpose entitlement and categorical block grant, as defined in subdivisions (a) and (b) of Section 47632.

(g) (1) The California Research Bureau of the California State Library shall prepare and submit to the Legislature on or before January 8, 2009, a report on the key elements and actual costs of **charter** school oversight. For purposes of the report, the bureau shall define fiscal and academic oversight and shall include any financial relationship between a **charter** school and its chartering authority that has the effect of furthering the operations of the **charter** school and that may provide opportunities to oversee the **charter** school. The report, at a minimum, shall address all of the following issues:

(A) The range of annual activities that entities providing supervisory oversight of **charter schools** are expected to perform.

(B) Staff time spent on reviewing **charter** petitions measured by

the size of school districts and the number of **charter** petitions reviewed.

(C) Staff time spent on oversight responsibilities measured by the size of school districts and the number of **charter schools**.

(D) Best practices for **charter** school oversight measured by efficiency and effectiveness. A cost analysis of those best practices after being measured by efficiency and effectiveness.

(E) Comparison of school district costs and revenues attributable to **charter** school oversight.

(F) Administrative services provided to a **charter** school by a chartering authority, such as human resources, that may be useful in the oversight of the **charter** school and chartering authority revenues attributable to those services.

(G) Length of time required to review a single **charter** petition.

(H) Recommendations for structuring **charter** school oversight and accountability in California, including an assessment of whether or not the associated costs specified in subdivisions (a) and (b) and subparagraph (F) are adequate to support appropriate supervisory oversight.

(2) In preparing its report, the California Research Bureau shall consult with an advisory panel to ensure technical accuracy.

47613.1. The Superintendent of Public Instruction shall make all of the following apportionments on behalf of a **charter** school in a school district in which all **schools** have been converted to **charter schools** pursuant to Section 47606, and that elects not to be funded pursuant to the block grant funding model set forth in Section 47633 in each fiscal year that the **charter** school so elects:

(a) From funds appropriated to Section A of the State School Fund for apportionment for that fiscal year pursuant to Article 2 (commencing with Section 42238) of Chapter 7 of Part 24, an amount for each unit of current fiscal year regular average daily attendance in the **charter** school that is equal to the current fiscal year base revenue limit for the school district to which the **charter** petition was submitted.

(b) For each pupil enrolled in the **charter** school who is entitled to special **education** services, the state and federal funds for special **education** services for that pupil that would have been apportioned for that pupil to the school district to which the **charter** petition was submitted.

(c) Funds for the programs described in clause (i) of subparagraph (B) of paragraph (1) of subdivision (a) of Section 54761, and Sections 63000 and 64000, to the extent that any pupil enrolled in the **charter** school is eligible to participate.

47613.2. Notwithstanding Sections 47613.1 and 47661, for the 2000-01 fiscal year, the revenue limit of an elementary school district may be determined using either the current or prior year second principal apportionment average daily attendance, whichever is greater, if all the **schools** in the district were converted to **charter schools** in the 2000-01 fiscal year and the district continued to be funded through the base revenue limit method.

47614. (a) The intent of the people in amending Section 47614 is that public school facilities should be shared fairly among all public school pupils, including those in **charter schools**.

(b) Each school district shall make available, to each **charter** school operating in the school district, facilities sufficient for the **charter** school to accommodate all of the **charter** school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public **schools** of the district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. The school district shall make reasonable efforts to provide the **charter** school with facilities near to where the **charter** school wishes to locate, and shall not move the **charter** school unnecessarily.

(1) The school district may charge the **charter** school a pro rata share (based on the ratio of space allocated by the school district to the **charter** school divided by the total space of the district) of those school district facilities costs which the school district pays for with unrestricted general fund revenues. The **charter** school shall not be otherwise charged for use of the facilities. No school district shall be required to use unrestricted general fund revenues to rent, buy, or lease facilities for **charter** school students.

(2) Each year each **charter** school desiring facilities from a school district in which it is operating shall provide the school district with a reasonable projection of the **charter** school's average daily classroom attendance by in-district students for the following year. The district shall allocate facilities to the **charter** school for that following year based upon this projection. If the **charter** school, during that following year, generates less average daily classroom attendance by in-district students than it projected, the **charter** school shall reimburse the district for the over-allocated space at rates to be set by the State Board of **Education**.

(3) Each school district's responsibilities under this section shall take effect three years from the effective date of the measure which added this subparagraph, or if the school district passes a school bond measure prior to that time on the first day of July next following such passage.

(4) Facilities requests based upon projections of fewer than 80 units of average daily classroom attendance for the year may be denied by the school district.

(5) The term "operating," as used in this section, shall mean either currently providing public **education** to in-district students, or having identified at least 80 in-district students who are meaningfully interested in enrolling in the **charter** school for the following year.

(6) The State Department of **Education** shall propose, and the State Board of **Education** may adopt, regulations implementing this subdivision, including but not limited to defining the terms "average daily classroom attendance," "conditions reasonably equivalent," "in-district students," "facilities costs," as well as defining the procedures and establishing timelines for the request for, reimbursement for, and provision of, facilities.

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

(b) Subject to the annual Budget Act, eligible **schools** shall

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

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

(1) Inform **charter schools** of the grant program.

(2) Upon application by a **charter** school, determine eligibility, based on the geographic location of the **charter** schoolsite, pupil eligibility for free or reduced price meals, and a preference in admissions, as appropriate. Eligibility for funding shall not be limited to the grade level or levels served by the school whose attendance area is used to determine eligibility. **Charter** schoolsites are eligible for funding pursuant to this section if the **charter** schoolsite meets either of the following conditions:

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

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

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

(4) Allocate funding to **charter schools** for eligible expenditures in a timely manner.

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

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

(1) Units of average daily attendance generated through nonclassroom-based instruction as defined by paragraph (2) of subdivision (d) of Section 47612.5 or that does not comply with conditions or limitations set forth in regulations adopted by the state board pursuant to this section.

(2) **Charter schools** occupying existing school district or county office of **education** facilities.

(3) **Charter schools** receiving reasonably equivalent facilities from their chartering authority pursuant to Section 47614.

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

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

school attendance area into which the **charter** school is relocating.

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

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

(i) The Superintendent shall annually allocate the facilities grants to eligible **charter schools** no later than October 1 of each fiscal year or 90 days after enactment of the annual Budget Act, whichever is later, for the current school year rent and lease costs. However, the department shall first use the funding appropriated for this program to reimburse eligible **charter schools** for unreimbursed rent or lease costs for the prior school year.

47614.7. (a) The Budget Act for the 2008-09 fiscal year and the Budget Acts for each fiscal year thereafter shall appropriate to the department for the purpose of the **Charter** School Facility Grant Program, as set forth in Section 47614.5, an amount equal to the amount appropriated for the program in the 2007-08 fiscal year, plus the amount equal to the reduction in funding for the Year-Round School Grant Program (Article 3 (commencing with Section 42260) of Chapter 7 of Part 24 of Division 3) associated with the reduction in the grants for year-round **schools** that is set forth in Section 42270.

(b) If this act is enacted after the Budget Act of 2008 is enacted and if the Budget Act of 2008 does not reflect the reallocation of funds as specified in subdivision (a), the Director of Finance, upon notice to the Joint Legislative Budget Committee, shall transfer 20 percent of the amount appropriated in Item 6110-224-0001 to Item 6110-220-0001 of Section 2.00 of the Budget Act of 2008 to accomplish the reallocation of funding specified in subdivision (a).

(c) If the Budget Act for any of the 2009-10 to 2012-13 fiscal years, inclusive, does not reflect the reallocation of funds specified in subdivision (a), the Director of Finance, upon notice to the Joint Legislative Budget Committee, shall transfer an amount appropriated in Item 6110-224-0001 of Section 2.00 of the Budget Act for any of those fiscal years, as applicable, to Item 6110-200-0001 of Section 2.00 of the Budget Act for that fiscal year in order to accomplish the reallocation of funds specified in subdivision (a). The total amount of the reallocation in each fiscal year pursuant to this subdivision shall be no less than the applicable amount specified in the following schedule:

(1) For the 2009-10 fiscal year, 40 percent of the amount expended from Item 6110-224-0001 of Section 2.00 of the Budget Act of 2007.

(2) For the 2010-11 fiscal year, 60 percent of the amount expended from Item 6110-224-0001 of Section 2.00 of the Budget Act of 2007.

(3) For the 2011-12 fiscal year, 80 percent of the amount expended from Item 6110-224-0001 of Section 2.00 of the Budget Act of 2007.

(4) For the 2012-13 fiscal year, 100 percent of the amount expended from Item 6110-224-0001 of Section 2.00 of the Budget Act of 2007.

(d) It is the intent of the Legislature that the funding level for the **Charter Schools** Facility Grant Program for the 2012-13 fiscal year be considered the base level of funding for subsequent fiscal years.

47615. (a) The Legislature finds and declares all of the following:

(1) **Charter schools** are part of the Public School System, as defined in Article IX of the California Constitution.

(2) **Charter schools** are under the jurisdiction of the Public School System and the exclusive control of the officers of the public **schools**, as provided in this part.

(3) **Charter schools** shall be entitled to full and fair funding, as provided in this part.

(b) This part shall be liberally construed to effectuate the findings and declarations set forth in this section.