

## Energy - Docket Optical System

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**From:** Shirakh, Elizabeth@Energy  
**Sent:** Wednesday, October 23, 2013 8:40 AM  
**To:** Energy - Docket Optical System  
**Cc:** Smith, Marcia@Energy  
**Subject:** Docket Number 13-CCEJA-1 (comments on Prop 39)

**Categories:** Ready to Docket



Please docket this email regarding Prop 39.

Thanks  
Liz

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**From:** Michael Kauble [<mailto:mkauble@hmesd.k12.ca.us>]  
**Sent:** Friday, October 18, 2013 1:20 PM  
**To:** Smith, Marcia@Energy  
**Cc:** Shirakh, Elizabeth@Energy  
**Subject:** Proposition 39 Funding Clarification

Hello Ms. Smith and Ms. Shirakh!

My name is Michael Kauble and I handle facilities for the Howell Mountain Elementary School District. We're currently attempting to work out an issue with funding for Proposition 39, and I was hoping you could clarify something for us.

According to the draft guidelines being released, a school district is awarded \$15,000 per year (+FRPM) if their ADA is 100 or less. A school district qualifies for Tier 2 (\$50,000 per year) if their ADA is 101 or higher. All of this is decided based on the P-2 Attendance Report. These guidelines create (unintentionally I'm sure) a "dead zone" between 100 and 101. Similar zones can be found between the other tiers.

### Award allocations – minimum awards

- Tier 1 - 100 ADA or less  
\$15,000, plus FRPM
- Tier 2 - 101 – 1,000 ADA  
\$50,000, plus FRPM (whichever is larger)

Unfortunately for us, our ADA for the P-2 Attendance Report is 100.10. This number, according to the California Department of Education, restricts us to Tier 1 due to their rounding to the nearest number.

After spending quite a bit of time looking into this, I decided to read the Proposition 39 language in the Public Resource Code. According to Section 26233(1)(b), any school with a P-2 ADA **in excess of 100** is entitled to Tier 2 funding. This code section actually erases the "dead zone" for those who fall between the numbers in the draft guidelines.

26233. (a) Commencing with the 2013–14 fiscal year and through the 2017–18 fiscal year, inclusive, the funds deposited annually pursuant to Section 26230 shall be allocated, to the extent consistent with this division, as follows:

- (1) Eighty-nine percent of the funds shall be available to local educational agencies and allocated by the Superintendent of Public Instruction.
  - (2) Eleven percent of the funds shall be available to community college districts and allocated by the Chancellor of the California Community Colleges.
- (b) The Superintendent of Public Instruction shall allocate the funds provided in paragraph (1) of subdivision (a) as follows:
- (1) Eighty-five percent on the basis of average daily attendance reported as of the second principal apportionment for the prior fiscal year deemed to be 97 percent of the prior year enrollment as reported in the California Longitudinal Pupil Achievement Data System.
  - (A) For every local educational agency with average daily attendance as reported pursuant to this subdivision of 100 or less, the amount shall be on the basis of average daily attendance.
  - (B) For every local educational agency with average daily attendance as reported pursuant to this subdivision in excess of 100, the amount shall be on the basis of average daily attendance or fifty thousand dollars (\$50,000), whichever amount is larger.

Although we understand the complexity that law brings to any matter, we feel confident in our reading of the code sections that we qualify for Tier 2 funding. We also know this is the first of many conversations we're going to need to have to secure this funding, but I thought I would start with your agency with the hope we can obtain a clarification prior to approaching others.

Thank you for your help with this matter.

-Mike

Michael Kauble  
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Howell Mountain Elementary School District  
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