



CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2004 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by California Virtual Academy @ Kern Charter School for a waiver of <i>Education Code</i> Section 51745.6 and Title 5, California Code of Regulations (<i>CCR</i>) sections 11704, 11963.3(2), and part of 11963.4(b)(3) related to charter school independent study average daily attendance (ADA)-to-teacher ratios to allow a ratio that is higher than the ratio required by these sections (request: ADA-to-teacher ratio of 35 to 1).</p> <p>Waiver Number: 11-9-2003</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input type="checkbox"/> Consent</p>
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RECOMMENDATION

Approval Approval with conditions Denial

That the waiver be for one year only (2004-5) to evaluate this new type of virtual program and that the increase in the ADA-to-teacher ratio be limited to only **10** percent above the ratio that would otherwise be applicable, but no greater than **30 to 1**.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In April 2001, the State Board of Education (SBE) adopted waiver guidelines for the independent study ADA-to-teacher ratio for "regular" schools/districts. The policy limits the ADA-to-teacher ratio for independent study to no greater than 10 percent above the ratio that would be applicable under statute absent the waiver, with a cap of 30.

Date stamped into CDE on September 2003, this waiver has been scheduled two other times to the SBE, most recently in March, 2004 when the Board made an official request that the Advisory Commission on Charter Schools (ACCS) give a recommendation on this waiver, and work on a waiver policy for waivers for virtual or computer based charters.

Although the policy has been discussed a few times by the Commission, they have not yet made a formal recommendation to the SBE. The charter school requests that the waiver be heard at the September 2004 SBE meeting.

SUMMARY OF KEY ISSUES

California Virtual Academy @ Kern Charter School is seeking a waiver of *Education Code* Section 51745.6 and Title 5 *CCR* sections 11704 and 11963.3(2) and part of 11963.4(b)(3) related to independent study ADA-to-teacher ratios for its charter school to allow a ratio that is 50 percent higher than the ratio required by these sections. The reported ADA-to-teacher ratio in the nearest unified district is currently 27.1 to 1. The charter school is requesting a waiver to allow it to collect apportionment

based on a ratio of 40.6 to 1 (150% of 27.1 to 1). This request has been modified (see attached memorandum) as of 8/12/04 to a request for an ADA-to-teacher ratio of **35 to one**.

The basis of California Virtual Academy's request is that ADA-to-teacher ratio calculations are not appropriate for on-line charter school programs and that the school is providing an array of other student support services to its students, i.e., "On-line School," parent training, help line, and computer support. The California Virtual Academy on-line program takes away some of the traditional teacher duties, such as lesson planning, some instruction, and course-level testing and grading. The waiver claims that the addition of more students to each teacher will have no impact on the quality of the educational program provided to students.

CDE notes that the SBE has grounds for denial of this waiver at the higher level requested pursuant to *Education Code* Section 33050(a)(1), that the educational needs of the pupil are not adequately addressed. California Virtual Academy argues that the increase in students for each teacher, i.e. from 27 to 40, will not impact the quality of the educational program. CDE does not find this argument well supported. The educational needs of the students are better served with a lower ratio that enables greater contact between students and teachers. The ACCS, at their August 11, 2004 meeting discussed levels as high as 35 to 1, but did not reach consensus.

Consistent with the SBE adopted policy for "regular" independent study ADA-to-teacher ratios, CDE recommends that a 10 percent increase in the ADA-to-teacher ratio be allowed, with the ratio not to exceed 30 to 1. Although the SBE policy does not specifically address charter schools, the 10 percent increase in this case appears supported. CDE is not recommending that the other conditions of the SBE policy be applied in this case because the charter school already only serves independent study students and the school already reports its revenues and expenditures to the CDE through the SB 740 process.

Authority for Waiver: *Education Code* (EC) Section 33050

Period of request: 2004-5 year only.

Local board approval date(s): 12/12/03

Public hearing held on date(s): 12/12/03

Bargaining unit(s) consulted on date(s): The School does not have any employee bargaining units.

Name of bargaining unit/representative(s) consulted: The School does not have any employee bargaining units.

Position of bargaining unit(s) (choose only one): The School does not have any employee bargaining units.

Neutral

Support

Oppose

Public hearing advertised by (choose one or more):

posting in a newspaper

posting at each school

other (Notice Posted

at District Offices, Notice Posted at meeting site).

Advisory committee(s) consulted: No parent committee. Governing Board (with parents) reviewed waiver.

Objections raised (choose one): None Objections are as follows:

Date(s) consulted: September 23, 2003

FISCAL ANALYSIS (AS APPROPRIATE)

There will be no fiscal impact to the state as a result of approval of this waiver. Allowing a greater ADA-to-teacher ratio will not increase the amount of funding provided to this school. However, it will allow the school redirect its resources away from teacher salaries and related expenditures to other uses.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.