



California State Board of Education Policy

POLICY #
00-05
DATE
July 2000

WAIVER GUIDELINES

Charter School Average Daily Attendance: Alternative Calculation Method

REFERENCES

Education Code Sections 33050 et seq. (General Waiver Authority), 41420 (Minimum Instructional Days, Attendance Reporting), 46301 (Independent Study Apportionments), and 47612 (Minimum Instructional Minutes).

HISTORICAL NOTES

None.

California Code of Regulations, Title 5, Section 11960

Regular Average Daily Attendance for Charter Schools.

5 CCR 11960 defines regular average daily attendance (ADA) in a charter school, and established the calculation for determining ADA. The calculation divides the total number of pupil-days attended by the total number of days school was actually taught. This section also requires a proportional reduction in a charter school's funding for each day less than 175 if the school operates fewer than 175 days in any fiscal year. Specifically, the section states:

(a) As used in Education Code Section 47612, "attendance" means the attendance of charter school pupils while engaged in educational activities required of them by their charter schools, on days when school is actually taught in their charter schools. "Regular average daily attendance" shall be computed by dividing a charter school's total number of pupil-days of attendance by the number of calendar days on which school was actually taught in the charter school. For purposes of determining a charter school's total number of pupil-days of attendance, no pupil may generate more than one day of attendance in a calendar day.

(b) The State Superintendent of Public Instruction shall proportionately reduce the amount of funding that would otherwise have been apportioned to a charter school on the basis of average daily attendance for a fiscal year, if school was actually taught in the charter school on fewer than 175 calendar days during that fiscal year.

Background

This waiver is typically requested by charter schools that operate on a multi-track year-round education calendar. In a multi-track calendar, the *total* number of days that school is taught may actually exceed 200 days. However, each track of students is only provided instruction for the number of days in a given track, typically 175 days. Therefore, a waiver would be necessary for a multi-track charter school to separately calculate ADA in each track, rather than for the school as a whole.

California State Board of Education

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Evaluation Guidelines

A waiver of this regulation is necessary for a charter school that operates on a multi-track calendar to separately calculate ADA in each track, rather than using the total number of days school is actually taught as the basis for a single, overall ADA calculation. In order to evaluate any such waiver request, the State Board of Education (SBE) asks that those districts applying for such a waiver provide documentation which the California Department of Education (CDE) professional staff are then asked to use in reviewing and making recommendations about the request. The waiver request should include the following:

1. Identification of the charter school for which the district is requesting the waiver;
2. A copy of the charter school’s calendar for the year(s) for which the waiver is requested;
3. The number of tracks that the school operates;
4. The total number of days school is taught in the charter school;
5. The total number of days school is taught in each track; and,
6. The reason why the school is operating on multi-track.
Possible reasons for operating a multi-track calendar might include:
 - The charter school is a conversion of an existing school which operated on a multi-track calendar prior to conversion.
 - The school has limited facilities which require multi-track operation to adequately house the pupil population.
 - The educational program, or target population of the school is best served by offering multiple tracks, for reasons explained in the waiver application.

In addition to a description of the school’s program as set forth above, the waiver request must provide assurances that the charter school will meet the following terms as a condition of approval of the waiver:

1. If the charter school is a start-up school, it will operate not more than five tracks; if it is a conversion school, it will operate no more than the number of tracks it operated prior to conversion;
2. If the charter school is a start-up school, each track will operate a minimum of 175 days; if the charter school is a conversion school, the school may continue its previous schedule as long as it provides no less than 163 days of instruction in each track;
3. For each track, the charter school will provide the total number of instructional minutes contained in Education Code Section 46201.5(a)(2);



4. No track will have fewer than 55 percent of its school days prior to April 15; and
5. ADA will be calculated separately for each track by the method set forth in 5 CCR 11960, and then the resulting figures will be totaled.