

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Specific Waiver

# California State Board of Education November 2018 AgendaItem #W-04

## Subject

Request by **Sacramento City Unified School District** under the authority of the California *Education Code (EC)* Section 47612.6(a), to waive *EC* Section 47612.5, the audit penalty for offering insufficient instructional minutes during the 2016–17 school year for students in grades nine and ten (shortfall of 2,680 minutes) at Sacramento Charter High School.

## Waiver Number

12-6-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Sacramento City Unified School District is requesting that the California State Board of Education (SBE) waive the instructional time requirement audit penalty for Sacramento Charter High School. The Sacramento Charter High School was short 2,680 instructional minutes for the 2016–17 school year. Per *EC* Section 47612.6(a), the SBE may waive the fiscal penalties set forth in this article for a charter school that fails to maintain the prescribed minimum length of instruction, upon the condition that the school or schools in which the minutes were lost maintain minutes of instruction equal to those lost, in addition to the minimum amount required, for twice the number of years that it failed to maintain the required minimum length of time.

## Authority for Waiver

*EC* Section 47612.6

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

The California Department of Education (CDE) recommends the SBE approve the waiver on the condition that Sacramento Charter High School maintains increased instructional minutes of at least the amount required by law plus 2,680 minutes for grades nine and ten for a period of two years beginning in 2017–18 through 2018–19. The Sacramento Charter High School must report the annual instructional minutes offered in grades nine and ten in their annual audit report. If these conditions are not met, the penalty will be reinstated.

## Summary of Key Issues

During the 2016-17 annual audit, it was discovered that Sacramento Charter High School had one teacher that did not possess a valid certification document for a portion of the school year. As a result of the certification lapse, the charter school was disallowed the associated instructional time for the affected pupils taught in grades nine and ten by the teacher. The shortage ranged from 815 to 2,680 minutes for each affected pupil.

Sacramento Charter High School would like to use school years 2017–18 and 2018–19 to make up the shortfall of instructional minutes. The minimum number of required annual instructional minutes for grades nine through twelve is 64,800; upon approval of the waiver the required minutes for grades nine and ten will be 67,480. Sacramento Charter High School submitted documentation supporting the additional minutes offered during the 2017–18 and 2018–19 school years to comply with the terms of the waiver.

**Demographic Information:**

Sacramento Charter High School has a student population of 712 and is located in an urban area in Sacramento County.

## Summary of Previous State Board of Education Discussion and Action

The SBE has approved similar requests with conditions. *EC* Section 47612.6 authorizes waivers to be granted for fiscal penalties due to a shortfall in instructional time. A waiver may be granted upon the condition that the school, or schools, in which the minutes were lost, maintain minutes of instruction equal to those lost, in addition to the minimum amount required for twice the number of years that it failed to maintain the required minimum length of time.

## Fiscal Analysis

The 2016–17 instructional time penalty amount of $25,479 is calculated for the charter school on an individual basis by affected pupils, as follows:

* The average daily attendance (ADA) of each affected pupil in grades nine and ten is multiplied by the Local Control Funding Formula (LCFF) funding rate of $10,236.61 (Floor and Gap Rate per ADA) to determine the LCFF apportionment per pupil.
* The shortfall of instructional minutes for each affected pupil is divided by the 64,800 minute requirement to obtain the percentage of minimum number of minutes of instruction not offered per pupil.
* The affected LCFF apportionment per pupil is multiplied by the percentage of minimum number of minutes of instruction not offered per pupil, then totaled for a penalty amount of $25,479.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Sacramento City Unified School District Specific Waiver Request 12-6-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 47612.6(a)

| **Waiver Number** | **District** | **Period of Request** | **District’s Request** | **CDE Recommended Action** | **Bargaining Unit Rep. Consulted, Date, and Position** | **Local Board and Public Hearing Approval** | **Penalty Without Waiver** | **Previous Waivers** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 12-6-2018 | Sacramento City Unified School District | **Requested:** July 1, 2016, to July 1, 2018**Recommended:** July 1, 2016, to June 30, 2017 | District requests waiving *EC* Section 47612.5 to avoid the audit penalty in exchange for offering increased instructional minutes in 2017–18 and 2018–19, consistent with *EC* Section 47612.6 for Sacramento Charter High School. | **Approval** of waiver, consistent with *EC* Section 47612.6 with the following conditions:  (1) Charter maintains increased instructional minutes for grades nine and ten of at least the amount required by law plus 2,680 minutes, for a period of two years beginning in 2017–18 through 2018–19, and (2) Charter reports the annual instructional minutes offered in grades nine and ten in its annual audit report. | Not applicable | Local Board ApprovalAugust 17, 2018 | $25,479 | None |

# Attachment 2: Sacramento City Unified School District Specific Waiver Request 12-6-2018

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 3467439

Waiver Number: 12-6-2018

Active Year: 2018

Date In: 6/18/2018 1:50:02 PM

Local Education Agency: Sacramento City Unified School District

Address: 5735 47th Ave.

Sacramento, CA 95824

Start: 7/1/2016

End: 7/1/2018

Waiver Renewal: No

Waiver Topic: Instructional Time Requirement Audit Penalty

Ed Code Title: Charter - Minimum Instructional Time

Ed Code Section: 47617.25

Ed Code Authority: 47612.6[a]

Ed Code or *CCR* to Waive: 47612.6[a]

Outcome Rationale: During the 2016-2017 Audit, it was discovered that some teachers with Sac high were not credentialed properly. As a result, the time they spent teaching was taking away from the total minutes we offered Sac High kids. The total minutes we lost took us below the state minimum required and resulted in a penalty to be paid. According to the audit, we were short 2,680 Minutes. With our current bell schedule we provide 3,520 minutes above the state requirement. As such, we have provided the additional minutes for the 2,680 minutes missed in 2016-2017 school year. We are using the same bell schedule for the 2017-2018 school years and the 2018-2019 school years. As such we have already offered the additional minutes for 2 consecutive years. The bell schedule is attached. My waiving this penalty, we are able to place the funds into building resources that help supplement the students education

Student Population: 712

City Type: Urban

Local Board Approval Date: 1/1/2017

Audit Penalty Yes or No: Yes

Categorical Program Monitoring: No

Submitted by: Ms. Shenelle Gatlin

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