

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education July 2018 Agenda Item #W-03

## Subject

Request by **Contra Costa County Office of Education** to waive portions of *California Code of Regulations*, Title 5, Section 11963.6(c), relating to the submission and action on determination of funding requests regarding nonclassroom-based instruction.

## Waiver Number

43-3-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

Contra Costa County Office of Education (CCCOE) is requesting, on behalf of the Golden Gate Charter School (GG – Charter #1887) identified in Attachment 1, that the California State Board of Education (SBE) waive a portion of the *California Code of Regulations*, Title 5 (5 *CCR*) Section 11963.6, in order to allow the charter school to request a nonclassroom-based funding determination for their respective funding time period.

GG submitted a determination of funding request after the December 1 filing deadline. This waiver is to allow GG, whose first year of operation was 2017–18, to submit a retroactive funding request that would cover the period from July 1, 2017 through June 29, 2019. GG is currently receiving funding based on estimated attendance submitted by the school. If the waiver is approved by the SBE, GG may then submit a retroactive funding determination request for consideration by the Advisory Commission on Charter Schools (ACCS) and the SBE.

## Authority for Waiver

California *Education Code (EC)* Section 33050

## Recommendation

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

The California Department of Education (CDE) recommends that the SBE approve the request by CCCOE to waive 5 *CCR* Section 11963.6(a) in order to allow GG to file a determination of funding request. Approval of this waiver request will also allow the SBE to consider the request. Without the waiver, the SBE may not consider the determination of funding request and the charter school’s nonclassroom-based average daily attendance (ADA) may not be funded for the affected fiscal year.

## Summary of Key Issues

*EC* sections 47612.5 and 47634.2 established the eligibility requirements for apportionment funding for charter schools that offer nonclassroom-based instruction. The statutes specify that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the SBE. The CDE reviews a charter school’s determination of funding request and presents it for consideration to the ACCS, pursuant to relevant sections of 5 *CCR*.

Pursuant to 5 *CCR* Section 11963.6(a), an approved determination of funding for a new charter school in its first year of operation shall be submitted by December 1 and shall be for two fiscal years. Also, pursuant to 5 *CCR* Section 11963.6(c), any determination of funding request approved by the SBE for an existing nonclassroom-based charter school must be prospective (not for the current year) and in increments of a minimum of two years and a maximum of five years in length. The funding determination request must be submitted by February 1 of the fiscal year prior to the year the funding determination will be effective.

**Demographic Information:**

GG is requesting to submit a determination of funding request after the filing deadline, thereby making the request retroactive.

Contra Costa County Office of Education is seeking a waiver for missing the filing deadline on behalf of GG, which serves a student population of 142, and is located in a suburban area in Contra Costa County.

**Because this is a general waiver, if the State Board of Education decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051>.

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

The SBE has approved similar waiver requests regarding retroactive funding determination requests for charter schools that offer nonclassroom-based instruction.

## Fiscal Analysis (as appropriate)

Approval of this waiver request will allow the SBE to consider the charter school’s determination of funding request. Subsequent approval of the determination of funding request by the SBE will allow the charter school’s nonclassroom-based ADA to be funded at the funding determination rate approved by the SBE for the specified fiscal year.

## Attachment(s)

* **Attachment 1:** Nonclassroom-Based Funding Determination Deadline Waiver (1 Page)
* **Attachment 2:** Contra Costa County Office of Education General Waiver Request 43-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Nonclassroom-Based Funding Determination Deadline Waiver

| Waiver Number | Local Educational Agency (Charter Authorizer) | Charter School and Charter Number | First Year of Operation | NCB Funding Determination Period of Request | Public Hearing and Local Board Approval Date | Public Hearing Advertisement | School Site Council/Advisory Committee Position |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 43-3-2018 | Contra Costa County Office of Education | Golden Gate Charter School  1887 | 2017–18 | **Requested:**  July 1, 2017 to June 30, 2019 **Recommended:** July 1, 2017 to June 29, 2019 | 3/28/2018 | Published in a local paper, posted at charter school, and posted with online Board agenda | Golden Gate School Site Council  **No objections** |

Created by the California Department of Education  
May 2018

# Attachment 2: Contra Costa County Office of Education General Waiver Request 43-3-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 0710074

Waiver Number: 43-3-2018

Active Year: 2018

Date In: 3/30/2018 2:41:38 PM

Local Education Agency: Contra Costa County Office of Education

Address: 77 Santa Barbara Rd.

Pleasant Hill, CA 94523

Start: 7/1/2017

End: 6/30/2019

Waiver Renewal: No

Waiver Topic: Charter School Program

Ed Code Title: Nonclassroom-Based Funding

Ed Code Section: Ed Code 47634.2 and 5 *CCR* 11963.6(c)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: Request by Contra Costa County Office of Education to waive portions of *California Code of Regulations*, Title 5, Section 11963.6(c), relating to the submission and action on determination of the funding requests regarding nonclassroom-based instruction for Golden Gate Charter School (#1887).

Outcome Rationale: LEA staff were not aware of the December 1 filing deadline for the 2017-18 school year funding determination. The fiscal office calendars have been updated with "high priority" indicators to ensure the next form will be submitted prior to the deadline.

Student Population: 142

City Type: Suburban

Public Hearing Date: 3/28/2018

Public Hearing Advertised: Published in a local paper, posted at charter school, posted with online Board agenda

Local Board Approval Date: 3/28/2018

Community Council Reviewed By: Golden Gate School Site Council

Community Council Reviewed Date: 3/6/2018

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Bill Clark

Position: Associate Superintendent, Business Services

E-mail: [bclark@cccoe.k12.ca.us](mailto:bclark@cccoe.k12.ca.us)

Telephone: 925-942-3310

Bargaining Unit Date: 03/13/2018

Name: Contra Costa County Schools Education Association

Representative: Brian Murtagh

Title: President

Position: Support

Bargaining Unit Date: 03/07/2018

Name: Public Employees Union, Local 1

Representative: Theresa Moodie-Banks

Title: President, General Classified

Position: Support