

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education January 2019 Agenda Item #W-01

## Subject

Request by **Camino Union Elementary School District** 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

8-10-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

Camino Union Elementary School District is requesting, on behalf of the Camino Polytechnics charter school, that the California State Board of Education (SBE) waive portions of *California Code of Regulations*, Title 5 (5 *CCR*) Section 11963.6(c), in order to allow the charter school to file a request for a nonclassroom-based funding determination.

Camino Polytechnics charter school submitted a determination of funding request after the required deadline, thereby making the request retroactive. If the waiver is approved by the SBE, the charter school may then submit the retroactive funding determination request for consideration by the Advisory Commission on Charter Schools (ACCS) and the SBE.

## Authority for Waiver

*Education Code (EC)* Section 33050

## Recommendation

Approval: Yes

The California Department of Education (CDE) recommends that the SBE approve the request by the local educational agency to waive specific portions of 5 *CCR* Section 11963.6(a) and 5 *CCR* Section 11963.6(c) in order to allow the charter school to submit determination of funding requests. Approval of this waiver request will also allow the SBE to consider the request, which is retroactive. 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 as specified on Attachment 1.

## 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 5 *CCR*.

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. In addition, 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

Camino Union Elementary School District is requesting a waiver for Camino Polytechnics (Charter #1150), which serves a student population of 67 and is located in a rural area in El Dorado County. Camino Polytechnics is a classroom based charter school with an independent study program.  The school has seen an increase in nonclassroom-based enrollment in Fiscal Year (FY) 2018–19 and classroom based Average Daily Attendance could fall lower than the required 80 percent requiring a determination of funding. Camino Polytechnics submitted the determination of funding after the February 1 deadline for an existing school and therefore, need an SBE approved waiver.

**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**: Camino Union Elementary School District General Waiver Request 8-10-2018 (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 |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 8-10-2018 | Camino Union Elementary School District | Camino Polytechnics  1150 | 2011–14 | **Requested:**  July 1, 2018 to June 30, 2020  **Recommended:** July 1, 2018 to June 30, 2020 | 9/11/2018 | Posted on website and two general public areas on campus | Camino Union School Board of Trustess  No objections |

Created by the California Department of Education  
November 2018

# Attachment 2: Camino Union Elementary School District General Waiver Request 8-10-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 0961846

Waiver Number: 8-10-2018

Active Year: 2018

Date In: 10/11/2018 7:47:46 AM

Local Education Agency: Camino Union Elementary School District

Address: 3060 Snows Rd.

Camino, CA 95709

Start: 7/1/2018

End: 6/30/2020

Waiver Renewal: No

Waiver Topic: Charter School Program

Ed Code Title: Nonclassroom-Based Funding

Ed Code Section: 47612.50

Ed Code Authority: *EC 33054*

*Education Code* or *CCR* to Waive: (e) (1) For purposes of calculating average daily attendance for classroom-based instruction apportionments, at least 80 percent of the instructional time offered by the charter school shall be at the schoolsite, and the charter school shall require the attendance of all pupils for whom a classroom-based apportionment is claimed at the schoolsite for at least 80 percent of the minimum instructional time required to be offered pursuant to paragraph (1) of subdivision (a) of Section 47612.5.

Outcome Rationale: We are seeing an increase in our non-classroom based enrollment, which could potentially put our classroom based ADA lower than the required 80%.

Student Population: 67

City Type: Rural

Public Hearing Date: 9/11/2018

Public Hearing Advertised: Posted on the website and in two general/public areas on campus

Local Board Approval Date: 10/9/2018

Community Council Reviewed By: Camino Union School Board of Trustees

Community Council Reviewed Date: 10/9/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Matt Smith

Position: Superintendent-Principal

E-mail: [tconstancio@caminoschool.org](mailto:tconstancio@caminoschool.org)

Telephone: 530–644–4552 x268

Bargaining Unit Date: 9/11/2018

Name: Camino Faculty Association / CTA

Representative: Emily Walker

Title: President

Position: Support

Contact Number: 530–644–4552

Comments: This is our union rep here on campus