

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Specific Waiver

# California State Board of Education May 2024 Agenda Item #W-07

## Subject

Request by **Sacramento City Unified School District** under the authority of the California *Education Code* sections 46206 and 47612.6 to waive *Education Code* sections 46207 and 47612.5(c), the audit penalties for offering insufficient instructional minutes during the 2021–22 school year at Sacramento City Unified School District’s non-charter schools and four of its charter schools, and *Education Code* sections 46208 and 41420, the audit penalties for offering insufficient instructional days during the 2021–22 school year at Sacramento City Unified School District’s non-charter schools.

## Waiver Number(s)

* Sacramento City Unified School District 11-3-2024
* Sacramento City Unified School District 12-3-2024
* Bowling Green Elementary General 13-3-2024
* New Joseph Bonnheim (NJB) Community Charter 14-3-2024
* George Washington Carver School of Arts and Science 15-3-2024
* New Technology Early College High 16-3-2024

## Type of Action

Action

## Summary of the Issue(s)

Sacramento City Unified School District (SCUSD) is requesting that the California State Board of Education (SBE) waive the instructional time requirement audit penalty for instructional days and annual instructional minutes.

SCUSD was short instructional days and minutes for the 2021–22 school year. Per *Education Code* (*EC*) Section 46206, the SBE may waive the fiscal penalties for a school district that fails to maintain the prescribed number of instructional days in a school year or the instructional minutes, or both, upon the condition that the school or schools in which the days and minutes were lost maintain days and 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.

Additionally, four of the district’s charter schools were short instructional minutes for the 2021–22 school year. Per *EC* Section 47612.6, the SBE may waive the fiscal penalty calculated pursuant to *EC* Section 47612.5(c) for a charter school that fails to maintain the minimum number of instructional minutes 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 number of instructional minutes.

## Authority for Waiver

*EC* Section 46206, *EC* Section 47612.6

## Recommendation

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

The California Department of Education (CDE) finds that the requests meet the requirements of *EC* sections 46206 and 47612.6 and, therefore, recommends that the SBE approve the requests as long as the conditions outlined in Attachment 1 are met by the district.

If these conditions are not met, the penalties will be reinstated and CDE will take action to recover the penalty amounts from the district.

## Summary of Key Issues

During an audit of instructional time for 2021–22, it was discovered that SCUSD failed to offer the required annual minutes of instruction for transitional kindergarten (TK) and kindergarten (K) through grade twelve at all district schools and at four of its charter schools. During the 2021–22 school year, the SCUSD experienced a shortage of eight instructional days caused by a teacher strike. The shortage of eight days led to a reduction in the annual instructional minutes district-wide, and at the four charter schools.

Table 1 below summarizes the day and minute shortages from the 2021–22 school year resulting in the application of an instructional time fiscal penalty. The SCUSD is requesting the SBE waive the penalty amounts identified in Table 2 under the Fiscal Analysis section of this waiver pursuant to the authority in *EC* sections 46206 and 47612.6.

**Table 1. Summary of Instructional Time Shortages for Sacramento City Unified School District and Four Charter Schools Operated by the District**

| **LEA Name** | **Type of Shortage** | **Total Shortage** |
| --- | --- | --- |
| Sacramento City Unified School District | Instructional Days | 8 days short |
| Sacramento City Unified School District | Instructional Minutes | TK/K = 1,600 minutes short  1-3 = 2,256 minutes short  4-6 = 2,416 minutes short  7-8 = 2,592 minutes short  9-12 = 2,928 minutes short |
| Bowling Green Elementary | Instructional Minutes | TK/K = 1,600 minutes short  1-3 = 2,256 minutes short  4-6 = 2,416 minutes short |
| George Washington Carver School of Arts and Science | Instructional Minutes | 9-12 = 2,928 minutes short |
| New Joseph Bonnheim (NJB) Community Charter | Instructional Minutes | TK/K = 1,600 minutes short  1-3 = 2,256 minutes short  4-6 = 2,416 minutes short |
| Sacramento New Technology Early College High | Instructional Minutes | 9 -12 = 2,928 minutes short |

SCUSD’s governing board has submitted adopted school calendars for 2024–25 and 2025–26 that reflect the addition of eight instructional days. Additionally, SCUSD’s internal auditor has provided a statement to the CDE that they will ensure the bell schedules and calendars for SCUSD’s schools and the affected charter schools meet the instructional time requirement conditions of the waiver for the affected school years. As noted in the Fiscal Analysis, below, failure to provide all of the required additional days and minutes specified in Attachment 1 will result in the reinstatement of the penalty amounts.

**Demographic Information:**

According to DataQuest, Sacramento City Unified School District currently has a student population of 37,289 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 46206 authorizes waivers to be granted for fiscal penalties for a school district due to a shortfall in instructional time, instructional days, or both. A waiver may only be granted upon the condition that the school, or schools, in which the minutes or days were lost, maintain minutes or days 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.

*EC* Section 47612.6 authorizes waivers to be granted for fiscal penalties for a charter school due to a shortfall in instructional time. A waiver may only 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

There is no statewide fiscal impact of waiver approval.

The combined penalty amount for the shortfall of days and minutes of instruction for the district and its affected charter schools is $39,792,055. The penalties were calculated in accordance with the requirements of *EC* sections 46202 and 47612.5, which are summarized in Table 2, below, and are shown in detail in Attachment 2.

**Table 2. Summary of Instructional Time Penalties for Sacramento City Unified School District and Four Charter Schools Operated by the District**

| **LEA Name** | **Instructional Minutes Penalty** | **Instructional Day Penalty** | **Total Penalty** |
| --- | --- | --- | --- |
| Sacramento City Unified School District | $16,517,831 | $22,674,848 | $39,192,679 |
| Bowling Green Elementary | $336,867 | N/A | $336,867 |
| George Washington Carver School of Arts and Science | $109,591 | N/A | $109,591 |
| New Joseph Bonnheim (NJB) Community Charter | $95,398 | N/A | $95,398 |
| Sacramento New Technology Early College High | $57,520 | N/A | $57,520 |
| **Totals** | **$17,117,207** | **$22,674,848** | **$39,792,055** |

The conditions of approval are applicable to each waiver request and a local educational agency’s (LEA’s) failure to meet the conditions will result in the penalty identified in Table 2 being reinstated, and the CDE will take action to recover the penalty amount from the LEA’s Local Control Funding Formula (LCFF) entitlement.

For example, if the SCUSD fails to offer the additional minutes in the 2024–25 school year but the four charter schools complied with the waiver requirements, the district’s entire $39,192,679 day and minute instructional time penalty for 2021–22 would be applied by the CDE, but the penalties for the charter schools would remain waived. Likewise, if Bowling Green Elementary charter school fails to offer the additional minutes in the 2024–25 school year but SCUSD and the three other charter schools complied with the waiver requirements, the entire $336,867 instructional time penalty for Bowling Green Elementary for 2021–22 would be applied by the CDE, but the other waivers would be unaffected.

## Attachment(s)

* **Attachment 1:** Summary Table (3 pages)
* **Attachment 2:** School District and Charter School Instructional Time Penalty Calculations (6 pages)
* **Attachment 3:** Sacramento City Unified School District Specific Waiver Request 11-3-2024 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Sacramento City Unified School District Specific Waiver Request 12-3-2024 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Bowling Green ElementarySpecific Waiver Request 13-3-2024 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6:** George Washington Carver School of Arts and ScienceSpecific Waiver Request 14-3-2024 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 7:** New Joseph Bonnheim (NJB) Community Charter Specific Waiver Request 15-3-2024 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 8:** SacramentoNew Technology Early College High Specific Waiver Request 16-3-2024 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* (*EC*) sections 46206 and 47612.6

**Table 3. Summary of Waiver Requests from Sacramento City Unified School District**

| **Waiver Number(s)** | **11-3-2024, 12-3-2024** | **13-3-2024, 15-3-2024** | **14-3-2024, 16-3-2024** |
| --- | --- | --- | --- |
| **Local Educational Agency Name** | Sacramento City Unified (County District (CD) Code 3467439) | Bowling Green Elementary (Charter Number 0018) and New Joseph Bonnheim (NJB) Community Charter (Charter Number 1690) | George Washington Carver School of Arts and Science (Charter Number 0588) and New Technology High (Charter Number 0585) |
| **Period of Request** | **Requested:**  July 1, 2021, to June 30, 2022  **Recommended:**  July 1, 2021, to June 30, 2022 | **Requested:**  July 1, 2021, to June 30, 2022  **Recommended:**  July 1, 2021, to June 30, 2022 | **Requested:**  July 1, 2021, to June 30, 2022  **Recommended:**  July 1, 2021, to June 30, 2022 |
| **District’s Request** | District requests waiving *EC* sections 46207, 46208, and 41420 to avoid the audit penalty in exchange for offering increased instructional days and minutes in 2024–25 and 2025–26, consistent with *EC* Section 46206. | District requests waiving *EC* Section 47612.5(c) to avoid the audit penalty in exchange for offering increased instructional minutes in 2024–25 and 2025–26, consistent with *EC* Section 47612.6. | District requests waiving *EC* Section 47612.5(c) to avoid the audit penalty in exchange for offering increased instructional minutes in 2024–25 and 2025–26, consistent with *EC* Section 47612.6. |
| **CDE Recommended Action** | Approval of waiver, consistent with *EC* Section 46202 with the following conditions:  (1) Each year for a period of two years beginning in 2024–25 through 2025–26, the district:  (a) Maintains increased annual instructional minutes for all district schools of at least the amount required by law plus:   * 1,600 minutes for TK/K * 2,256 minutes for grades 1-3 * 2,416 minutes for grades 4-6 * 2,592 minutes for grades 7-8 * 2,928 minutes for grades 9-12   (b) Maintains increased instructional days for all district schools of at least the amount required by law plus 8 additional instructional days, and  (2) Reports the increased annual instructional minutes offered in its annual audit report and the additional instructional days and minutes are verified by the auditor. | Approval of waiver, consistent with *EC* Section 47612.6 with the following conditions:  (1) Each year for a period of two years beginning in 2024–25 through 2025–26, the district maintains increased annual instructional minutes for each school of at least the amount required by law plus:   * 1,600 minutes for TK/K * 2,256 minutes for grades 1-3 * 2,416 minutes for grades 4-6   (2) Reports the increased annual instructional minutes offered in its annual audit report and the additional instructional minutes are verified by the auditor. | Approval of waiver, consistent with *EC* Section 47612.6 with the following conditions:  (1) Each year for a period of two years beginning in 2024–25 through 2025–26, the district maintains increased annual instructional minutes for each school of at least the amount required by law plus:   * 2,928 minutes for grades 9-12   (2) Reports the increased annual instructional minutes offered in its annual audit report and the additional instructional minutes are verified by the auditor. |
| **Bargaining Unit Representatives Consulted, Date, and Position** | Sacramento City Teachers Association  Nikki Milevsky, President  February 6, 2024  **Support** | Sacramento City Teachers Association  Nikki Milevsky, President  February 6, 2024  **Support** | Sacramento City Teachers Association  Nikki Milevsky, President  February 6, 2024  **Support** |
| **Local Board and Public Hearing Approval** | March 21, 2024 | March 21, 2024 | March 21, 2024 |
| **Penalty Without Waiver** | $39,192,679 (combined) | $432,265 (combined) | $167,111 (combined) |
| **Previous Requests** | None | None | None |

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May 2024

# Attachment 2: Instructional Time Penalty Calculations

California *Education Code* (*EC)* sections 46206, 41420 and 47612.6

**Table 4. Instructional Time Audit Penalty Calculation for Sacramento City Unified School District**

| **Item** | **Description** | **TK/K** | **Grades 1-3** | **Grades 4-6** | **Grades 7-8** | **Grades 9-12** |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | Affected Grade Level(s) | TK/K | 1-3 | 4-6 | 7-8 | 9-12 |
| 2 | Affected Grade Level Average Daily Attendance (ADA) | 2,405.17 | 7,399.92 | 7,744.06 | 5,359.49 | 9,525.14 |
| 3 | LCFF Derived Value of ADA By Grade Span | $11,125.42 | $11,125.42 | $10,228.91 | $10,531.48 | $12,522.47 |
| 4 | Number of Required Annual Instructional Minutes (*EC* 46201) | 36,000 | 50,400 | 54,000 | 54,000 | 64,800 |
| 5 | Number Of Annual Instructional Minutes Short | 1,600 | 2,256 | 2,416 | 2,592 | 2,928 |
| 6 | Percentage of Annual Instructional Minutes Not Offered (Item 5 / Item 4) | 4.44% | 4.48% | 4.47% | 4.80% | 4.52% |
| 7 | Affected LCFF Apportionment by Grade Span | $26,758,526 | $82,327,218 | $79,213,293 | $56,443,362 | $119,278,280 |
| 8 | Instructional Minute Penalty by Grade Span (Item 6 \* Item 7) | $1,188,079 | $3,688,259 | $3,540,834 | $2,709,281 | $5,391,378 |
| 9 | Total Instructional Minutes Penalty (Sum of Item 8 For All Grade Spans) | **N/A** | **N/A** | **N/A** | **N/A** | **$16,517,831** |
| 10 | Number of Required Days (*EC* 46200) | 180 | 180 | 180 | 180 | 180 |
| 11 | Number of Instructional Days Provided | 172 | 172 | 172 | 172 | 172 |
| 12 | Number of Days Instructional Days Short (Between 180 - 175 Instructional Days) | 5 | 5 | 5 | 5 | 5 |
| 13 | Instructional Day Penalty by Grade Span  (*EC* 46200) | $749,239 | $2,305,162 | $2,217,972 | $1,580,414 | $3,339,792 |
| 14 | Additional Instructional Days Short (Fewer Than 175 Instructional Days) | 3 | 3 | 3 | 3 | 3 |
| 15 | Additional Instructional Day Penalty for Fewer Than 175 Days Offered (*EC* 41420) | $917,550 | $2,823,000 | $2,716,224 | $1,935,443 | $4,090,052 |
| 16 | Total Instructional Day Penalty (Sum of Items 13 And 15 For Add Grade Spans) | **N/A** | **N/A** | **N/A** | **N/A** | **$22,674,848** |
| 17 | **Total Instructional Time Penalty (Sum of Items 9 And 16)** | **N/A** | **N/A** | **N/A** | **N/A** | **$39,192,679** |

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**Table 5. Instructional Time Audit Penalty Calculation for Bowling Green Charter School (Charter Number 0018)**

| **Item** | **Description** | **TK/K** | **Grades 1-3** | **Grades 4-6** |
| --- | --- | --- | --- | --- |
| 1 | Affected Grade Levels | TK/K | 1-3 | 4-6 |
| 2 | Number of Required Instructional Days (*EC* 47612 and *California Code of Regulations*,Title 5 Section 11960 [5 *CCR* 11960]) | 175 | 175 | 175 |
| 3 | Number of Instructional Days Provided | 172 | 172 | 172 |
| 4 | Days of Operation Adjustment Factor (Item 3 / Item 2) | 0.982857 | 0.982857 | 0.982857 |
| 5 | Affected Grade Levels Reported ADA | 104.23 | 280.00 | 305.58 |
| 6 | Adjusted ADA for LCFF Apportionment (Item 4 \* Item 5) | 102.44 | 275.20 | 300.34 |
| 7 | LCFF Derived Value of ADA by Grade Span | $11,528.38 | $11,528.38 | $10,599.40 |
| 8 | Number of Required Annual Instructional Minutes (*EC* 47612.5) | 36,000 | 50,400 | 54,000 |
| 9 | Number of Annual Instructional Minutes Short | 1,600 | 2,256 | 2,416 |
| 10 | Percentage of Minutes Not Offered (Item 9 / Item 8) | 4.44% | 4.48% | 4.47% |
| 11 | Affected LCFF Apportionment by Grade Span (Item 6 \* Item 7) | $1,180,967 | $3,172,610 | $3,183,424 |
| 12 | Instructional Time Penalty by Grade Span (Item 10 \* Item 11) | $52,435 | $142,133 | $142,299 |
| **13** | **Total Instructional Time Penalty (Sum of Item 12 for All Affected Grade Spans)** | **N/A** | **N/A** | **$336,867** |

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**Table 6. Instructional Time Audit Penalty Calculation for George Washington Carver Charter School (Charter Number 0588)**

| **Item** | **Description** | **Grades 9-12** |
| --- | --- | --- |
| 1 | Affected Grade Levels | 9-12 |
| 2 | Number of Required Instructional Days (*EC* 47612 and 5 *CCR* 11960) | 175 |
| 3 | Number of Instructional Days Provided | 172 |
| 4 | Days of Operation Adjustment Factor (Item 3 / Item 2) | 0.982857 |
| 5 | Affected Grade Levels Reported ADA | 223.71 |
| 6 | Adjusted ADA for LCFF Apportionment (Item 4 \* Item 5) | 219.87 |
| 7 | LCFF Derived Value of ADA By Grade Span | $11,027.30 |
| 8 | Number of Required Annual Instructional Minutes (*EC* 47612.5) | 64,800 |
| 9 | Number of Annual Instructional Minutes Short | 2,928 |
| 10 | Percentage of Annual Instructional Minutes Not Offered (Item 9 / Item 8) | 4.52% |
| 11 | Affected LCFF Apportionment by Grade Span (Item 6 \* Item 7) | $2,424,572 |
| 12 | Instructional Time Penalty by Grade Span (Item 10 \* Item 11) | $109,591 |
| **13** | **Total Instructional Time Penalty (Sum of Item 12 for All Affected Grade Spans)** | **$109,591** |

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**Table 7. Instructional Time Audit Penalty Calculation for New Joseph Bonnheim Charter School (Charter Number 1690)**

| **Item** | **Description** | **TK/K** | **Grades 1-3** | **Grades 4-6** |
| --- | --- | --- | --- | --- |
| 1 | Affected Grade Levels | TK/K | 1-3 | 4-6 |
| 2 | Number of Required Instructional Days (*EC* 47612 and 5 *CCR* 11960) | 175 | 175 | 175 |
| 3 | Number of Instructional Days Provided | 3 | 3 | 3 |
| 4 | Days of Operation Adjustment Factor (Item 3 / Item 2) | 0.982857 | 0.982857 | 0.982857 |
| 5 | Affected Grade Levels Reported ADA | 20.64 | 94.53 | 88.30 |
| 6 | Adjusted ADA for LCFF Apportionment (Item 4 \* Item 5) | 20.29 | 92.91 | 86.79 |
| 7 | LCFF Derived Value of ADA By Grade Span | $11,356.47 | $10,441.35 | $10,750.20 |
| 8 | Number of Required Annual Instructional Minutes (*EC* 47612.5) | 36,000 | 50,400 | 54,000 |
| 9 | Number of Annual Instructional Minutes Short | 1,600 | 2,256 | 2,416 |
| 10 | Percentage of Annual Instructional Minutes Not Offered (Item 9 / Item 8) | 4.44% | 4.48% | 4.47% |
| 11 | Affected LCFF Apportionment by Grade Span (Item 6 \* Item 7) | $230,423 | $970,106 | $933,010 |
| 12 | Instructional Time Penalty by Grade Span (Item 10 \* Item 11) | $10,231 | $43,461 | $41,706 |
| **13** | **Total Instructional Time Penalty (Sum of Item 12 for All Affected Grade Spans)** | **N/A** | **N/A** | **$95,398** |

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**Table 8. Instructional Time Audit Penalty Calculation for New Technology Charter School (Charter Number 0585)**

| **Item** | **Description** | **Grades 9-12** |
| --- | --- | --- |
| 1 | Affected Grade Levels | 9-12 |
| 2 | Number of Required Instructional Days (*EC* 47612 and 5 *CCR* 11960) | 175 |
| 3 | Number of Instructional Days Provided | 167 |
| 4 | Days of Operation Adjustment Factor (Item 3 / Item 2) | 0.954286 |
| 5 | Affected Grade Levels Reported ADA | 106.91 |
| 6 | Adjusted ADA for LCFF Apportionment (Item 4 \* Item 5) | 102.02 |
| 7 | LCFF Derived Value of ADA By Grade Span | $12,473.75 |
| 8 | Number of Required Annual Instructional Minutes (*EC* 47612.5) | 64,800 |
| 9 | Number of Minutes Annual Instructional Minutes Short | 2,928 |
| 10 | Percentage of Annual Instructional Minutes Not Offered (Item 9 / Item 8) | 4.52% |
| 11 | Affected LCFF Apportionment by Grade Span (Item 6 \* Item 7) | $1,272,572 |
| 12 | Instructional Time Penalty by Grade Span (Item 10 \* Item 11) | $57,520 |
| **13** | **Total Instructional Time Penalty (Sum of Item 12 for All Affected Grade Spans)** | **$57,520** |

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# Attachment 3: Sacramento City Unified School District General Waiver Request 11-3-2024

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 3467439

Waiver Number: 11-3-2024

Active Year: 2024

Date In: 3/22/2024 10:49:00 AM

Local Education Agency: Sacramento City Unified

Address: 5735 47th Ave.

Sacramento, CA 95824

Start: 7/1/2021

End: 6/30/2022

Waiver Renewal: No

Waiver Topic: Instructional Time Requirement Audit Penalty

Ed Code Title: Below 1982-83 Base Minimum Minutes

Ed Code Section: 46207

Ed Code Authority: *EC* Section 46206

Ed Code or *CCR* to Waive: *EC* section 46207

[(a) Notwithstanding Sections 46200 to 46205, inclusive, upon a determination that a school district equals or exceeds its local control funding formula target computed pursuant to Section 42238.02 as determined by the calculation of a zero difference pursuant to paragraph (1) of subdivision (b) of Section 42238.03, each school district, as a condition of apportionment pursuant to Section 42238.02, as implemented pursuant to Section 42238.03, shall, for each fiscal year, offer, at a minimum, the following number of minutes of instruction:

(1) To pupils in kindergarten, 36,000 minutes.

(2) To pupils in grades 1 to 3, inclusive, 50,400 minutes.

(3) To pupils in grades 4 to 8, inclusive, 54,000 minutes.

(4) To pupils in grades 9 to 12, inclusive, 64,800 minutes.

(b) For a school district that has met its local control funding formula target that reduces the amount of instructional time offered below the minimum amounts specified in subdivision (a), the Superintendent shall withhold from the school district’s local control funding formula apportionment for the average daily attendance of each affected grade level, the product of that apportionment multiplied by the percentage of the minimum offered minutes at that grade level that the school district failed to offer.]

(c) Notwithstanding subdivision (a), for the 2013–14 and 2014–15 school years, a school district that equals or exceeds its computed local control funding formula target may reduce the equivalent of up to five days of instruction or the equivalent number of instructional minutes without incurring the penalties set forth in this section.

Outcome Rationale: The Sacramento City Unified School District (SCUSD) requests that the State Board of Education (SBE) waive the instructional time requirement audit penalty for the 2021-22 fiscal year. During the 2021-22 school year, the SCUSD experienced a shortage of eight instructional days caused by a teacher strike. In addition, the shortage of days led to a reduction in the annual instructional minutes, leading to the following shortages district-wide:

Grade Level - Statutory Minute Requirement - Actual Minutes Provided - Minute Shortage

TK/K - 36,000 - 34,400 - 1,600

1-3 - 50,400 - 48,144 - 2,256

4-6 - 54,000 - 51,584 - 2,416

7-8 - 54,000 - 51,408 - 2,592

9-12 - 64,800 - 61,872 - 2,928

The instructional day and minute shortage resulted in a total district penalty amount of more than $39 million. The SBE waiver is necessary to allow the SCUSD to instead invest the funds to improve student achievement by providing additional meaningful instruction to supplement students’ learning, engagement, and socialization.

Student Population: 37,468

City Type: Urban

Local Board Approval Date: 3/21/2024

Audit Penalty Yes or No: Yes

Categorical Program Monitoring: No

Submitted by: Ms. Janea Marking

Position: Chief Business and Operations Officer

E-mail: [janea-marking@scusd.edu](mailto:janea-marking@scusd.edu)

Telephone: 916-529-1164

Bargaining Unit Date: 02/06/2024

Name: Sacramento City Teachers Association

Representative: Nikki Milevsky

Title: President

Phone: [nmilevsky@saccityta.com](mailto:nmilevsky@saccityta.com)

Position: Support

# Attachment 4: Sacramento City Unified School District General Waiver Request 12-3-2024

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 3467439

Waiver Number: 12-3-2024

Active Year: 2024

Date In: 3/22/2024 10:57:25 AM

Local Education Agency: Sacramento City Unified

Address: 5735 47th Ave.

Sacramento, CA 95824

Start: 7/1/2021

End: 6/30/2022

Waiver Renewal: No

Waiver Topic: Instructional Time Requirement Audit Penalty

Ed Code Title: Fallen Below 180 Days

Ed Code Section: 41420, 46208

Ed Code Authority: *EC* Section 46206

Ed Code or *CCR* to Waive: *EC* section 41420

[(a) No school district, other than one newly formed, shall, except as otherwise provided in this article, receive any apportionment based upon average daily attendance from the State School Fund unless it has maintained the regular day schools of the district for at least 175 days during the next preceding fiscal year.

(b) If any school within a school district fails to maintain its school for the required 175 days, the Superintendent of Public Instruction shall withhold from the district’s apportionment based upon average daily attendance a product of 0.01143 times the district’s apportionment for each additional day the school would have had to maintain operations to meet the 175 day requirement.]

For the purpose of this subdivision, except as otherwise provided, the State Board of Education shall establish the standards and criteria for defining a day qualifying for the 175-day minimum requirement.

*EC* section 46208

[(a) Notwithstanding Sections 46200 to 46205, inclusive, upon a determination that a school district equals or exceeds its local control funding formula target computed pursuant to Section 42238.02 as determined by the calculation of a zero difference pursuant to paragraph (1) of subdivision (b) of Section 42238.03, each school district, as a condition of apportionment pursuant to Section 42238.02, as implemented pursuant to Section 42238.03, shall offer 180 days or more of instruction per school year. A school operating as a multitrack year-round school shall be deemed to be in compliance with the 180-day requirement if it certifies to the Superintendent that it is a multitrack year-round school and maintains its school for a minimum of 163 schooldays.]

(b) Notwithstanding subdivision (a), for the 2013–14 and 2014–15 school years, a school district that equals or exceeds its computed local control funding formula target may reduce the equivalent of up to five days of instruction or the equivalent number of instructional minutes without incurring the penalties set forth in this section.

[(c) For a school district that has met its local control funding formula target and that offers fewer than the number of instructional days required pursuant to this section, the Superintendent shall withhold from the school district’s local control funding formula grant apportionment pursuant to Section 42238.02, as implemented by Section 42238.03, for the average daily attendance of each affected grade level, the sum of 0.0056 multiplied by that apportionment for each day less than what was required pursuant to this section, for up to five days.]

Outcome Rationale: The Sacramento City Unified School District (SCUSD) requests that the State Board of Education (SBE) waive the instructional time requirement audit penalty for the 2021-22 fiscal year. During the 2021-22 school year, the SCUSD experienced a shortage of eight instructional days caused by a teacher strike. In addition, the shortage of days led to a reduction in the annual instructional minutes, leading to the following shortages district-wide:

Grade Level - Statutory Minute Requirement - Actual Minutes Provided - Minute Shortage

TK/K - 36,000 - 34,400 - 1,600

1-3 - 50,400 - 48,144 - 2,256

4-6 - 54,000 - 51,584 - 2,416

7-8 - 54,000 - 51,408 - 2,592

9-12 - 64,800 - 61,872 - 2,928

The instructional day and minute shortage resulted in a total district penalty amount of more than $39 million. The SBE waiver is necessary to allow the SCUSD to instead invest the funds to improve student achievement by providing additional meaningful instruction to supplement students’ learning, engagement, and socialization.

Student Population: 37,468

City Type: Urban

Local Board Approval Date: 3/21/2024

Audit Penalty Yes or No: Yes

Categorical Program Monitoring: No

Submitted by: Ms. Janea Marking

Position: Chief Business and Operations Officer

E-mail: [janea-marking@scusd.edu](mailto:janea-marking@scusd.edu)

Telephone: 916-529-1164

Bargaining Unit Date: 02/06/2024

Name: Sacramento City Teachers Association

Representative: Nikki Milevsky

Title: President

Phone: [nmilevsky@saccityta.com](mailto:nmilevsky@saccityta.com)

Position: Support

# Attachment 5: Bowling Green Elementary General Waiver Request 13-3-2024

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 3467439

Waiver Number: 13-3-2024

Active Year: 2024

Date In: 3/22/2024 12:45:33 PM

Local Education Agency: Bowling Green Elementary

Address: 5735 47th Ave.

Sacramento, CA 95824

Start: 7/1/2021

End: 6/30/2022

Waiver Renewal: No

Waiver Topic: Instructional Time Requirement Audit Penalty

Ed Code Title: Charter - Minimum Instructional Time

Ed Code Section: *EC* section 47612.5

Ed Code Authority: *EC* Section 47612.6

Ed Code or *CCR* to Waive: (a) Notwithstanding any other law and as a condition of apportionment, a charter school shall do all of the following:

(1) For each fiscal year, offer, at a minimum, the following number of minutes of instruction:

(A) To pupils in kindergarten, 36,000 minutes.

(B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.

(C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.

(D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.]

(2) Maintain written contemporaneous records that document all pupil attendance and make these records available for audit and inspection.

(3) Certify that its pupils have participated in the state testing programs specified in Chapter 5 (commencing with Section 60600) of Part 33 in the same manner as other pupils attending public schools as a condition of apportionment of state funding.

(b) Notwithstanding any other law and except to the extent inconsistent with this section and Section 47634.2, a charter school that provides independent study shall comply with Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 and implementing regulations adopted thereunder. The state board shall adopt regulations that apply this article to charter schools. To the extent that these regulations concern the qualifications of instructional personnel, the state board shall be guided by subdivision (l) of Section 47605.

[(c) A reduction in apportionment made pursuant to subdivision (a) shall be proportional to the magnitude of the exception that causes the reduction. For purposes of paragraph (1) of subdivision (a), for each charter school that fails to offer pupils the minimum number of minutes of instruction specified in that paragraph, the Superintendent shall withhold from the charter school’s apportionment for average daily attendance of the affected pupils, by grade level, the sum of that apportionment multiplied by the percentage of the minimum number of minutes of instruction at each grade level that the charter school failed to offer.

Outcome Rationale: Bowling Green Charter School (Bowling Green) requests that the State Board of Education (SBE) waive the instructional time requirement audit penalty for the 2021-22 fiscal year. During the 2021-22 school year, Bowling Green experienced a shortage of three instructional days caused by a teacher strike. In addition, the shortage of days led to a reduction in the annual instructional minutes, leading to the following shortages:

Grade Level - Statutory Minute Requirement - Actual Minutes Provided - Minute Shortage

TK/K - 36,000 - 34,400 - 1,600

1-3 - 50,400 - 48,144 - 2,256

4-6 - 54,000 - 51,584 - 2,416

The SBE waiver is necessary to allow Bowling Green and the Sacramento City Unified School District to invest the funds that would otherwise be paid as a penalty to instead improve student achievement by providing additional meaningful instruction to supplement students’ learning, engagement, and socialization.

Student Population: 754

City Type: Urban

Local Board Approval Date: 3/21/2024

Audit Penalty Yes or No: Yes

Categorical Program Monitoring: No

Submitted by: Ms. Janea Marking

Position: Chief Business and Operations Officer

E-mail: [janea-marking@scusd.edu](mailto:janea-marking@scusd.edu)

Telephone: 916-529-1164

Bargaining Unit Date: 02/06/2024

Name: Sacramento City Teachers Association

Representative: Nikki Milevsky

Title: President

Phone: [nmilevsky@saccityta.com](mailto:nmilevsky@saccityta.com)

Position: Support

# Attachment 6: New Joseph Bonnheim (NJB) Community Charter General Waiver Request 14-3-2024

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 3467439

Waiver Number: 14-3-2024

Active Year: 2024

Date In: 3/22/2024 12:54:15 PM

Local Education Agency: New Joseph Bonnheim (NJB) Community Charter

Address: 5735 47th Ave.

Sacramento, CA 95824

Start: 7/1/2021

End: 6/30/2022

Waiver Renewal: No

Waiver Topic: Instructional Time Requirement Audit Penalty

Ed Code Title: Charter - Minimum Instructional Time

Ed Code Section: *EC* section 47612.5

Ed Code Authority: *EC* Section 47612.6

Ed Code or *CCR* to Waive: (a) Notwithstanding any other law and as a condition of apportionment, a charter school shall do all of the following:

(1) For each fiscal year, offer, at a minimum, the following number of minutes of instruction:

(A) To pupils in kindergarten, 36,000 minutes.

(B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.

(C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.

(D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.]

(2) Maintain written contemporaneous records that document all pupil attendance and make these records available for audit and inspection.

(3) Certify that its pupils have participated in the state testing programs specified in Chapter 5 (commencing with Section 60600) of Part 33 in the same manner as other pupils attending public schools as a condition of apportionment of state funding.

(b) Notwithstanding any other law and except to the extent inconsistent with this section and Section 47634.2, a charter school that provides independent study shall comply with Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 and implementing regulations adopted thereunder. The state board shall adopt regulations that apply this article to charter schools. To the extent that these regulations concern the qualifications of instructional personnel, the state board shall be guided by subdivision (l) of Section 47605.

[(c) A reduction in apportionment made pursuant to subdivision (a) shall be proportional to the magnitude of the exception that causes the reduction. For purposes of paragraph (1) of subdivision (a), for each charter school that fails to offer pupils the minimum number of minutes of instruction specified in that paragraph, the Superintendent shall withhold from the charter school’s apportionment for average daily attendance of the affected pupils, by grade level, the sum of that apportionment multiplied by the percentage of the minimum number of minutes of instruction at each grade level that the charter school failed to offer.

Outcome Rationale: New Joseph Bonnheim Community Charter School (NJB) requests that the State Board of Education (SBE) waive the instructional time requirement audit penalty for the 2021-22 fiscal year. During the 2021-22 school year, NJB experienced a shortage of three instructional days caused by a teacher strike. In addition, the shortage of days led to a reduction in the annual instructional minutes, leading to the following shortages:

Grade Level - Statutory Minute Requirement - Actual Minutes Provided - Minute Shortage

TK/K - 36,000 - 34,400 - 1,600

1-3 - 50,400 - 48,144 - 2,256

4-6 - 54,000 - 51,584 - 2,416

The SBE waiver is necessary to allow NJB and the Sacramento City Unified School District to invest the funds that would otherwise be paid as a penalty to instead improve student achievement by providing additional meaningful instruction to supplement students’ learning, engagement, and socialization.

Student Population: 272

City Type: Urban

Local Board Approval Date: 3/21/2024

Audit Penalty Yes or No: Yes

Categorical Program Monitoring: No

Submitted by: Ms. Janea Marking

Position: Chief Business and Operations Officer

E-mail: [janea-marking@scusd.edu](mailto:janea-marking@scusd.edu)

Telephone: 916-529-1164

Bargaining Unit Date: 02/06/2024

Name: Sacramento City Teachers Association

Representative: Nikki Milevsky

Title: President

Phone: [nmilevsky@saccityta.com](mailto:nmilevsky@saccityta.com)

Position: Support

# Attachment 7: George Washington Carver School of Arts and Science General Waiver Request 15-3-2024

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 3467439

Waiver Number: 15-3-2024

Active Year: 2024

Date In: 3/22/2024 1:02:01 PM

Local Education Agency: George Washington Carver School of Arts and Science

Address: 5735 47th Ave.

Sacramento, CA 95824

Start: 7/1/2021

End: 6/30/2022

Waiver Renewal: No

Waiver Topic: Instructional Time Requirement Audit Penalty

Ed Code Title: Charter - Minimum Instructional Time

Ed Code Section: *EC* section 47612.5

Ed Code Authority: *EC* Section 47612.6

Ed Code or *CCR* to Waive: (a) Notwithstanding any other law and as a condition of apportionment, a charter school shall do all of the following:

(1) For each fiscal year, offer, at a minimum, the following number of minutes of instruction:

(A) To pupils in kindergarten, 36,000 minutes.

(B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.

(C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.

(D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.]

(2) Maintain written contemporaneous records that document all pupil attendance and make these records available for audit and inspection.

(3) Certify that its pupils have participated in the state testing programs specified in Chapter 5 (commencing with Section 60600) of Part 33 in the same manner as other pupils attending public schools as a condition of apportionment of state funding.

(b) Notwithstanding any other law and except to the extent inconsistent with this section and Section 47634.2, a charter school that provides independent study shall comply with Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 and implementing regulations adopted thereunder. The state board shall adopt regulations that apply this article to charter schools. To the extent that these regulations concern the qualifications of instructional personnel, the state board shall be guided by subdivision (l) of Section 47605.

[(c) A reduction in apportionment made pursuant to subdivision (a) shall be proportional to the magnitude of the exception that causes the reduction. For purposes of paragraph (1) of subdivision (a), for each charter school that fails to offer pupils the minimum number of minutes of instruction specified in that paragraph, the Superintendent shall withhold from the charter school’s apportionment for average daily attendance of the affected pupils, by grade level, the sum of that apportionment multiplied by the percentage of the minimum number of minutes of instruction at each grade level that the charter school failed to offer.

Outcome Rationale: George Washington Carver School of Arts and Science (George Washington Carver) requests that the State Board of Education (SBE) waive the instructional time requirement audit penalty for the 2021-22 fiscal year. During the 2021-22 school year, George Washington Carver experienced a shortage of three instructional days caused by a teacher strike. In addition, the shortage of days led to a reduction in the annual instructional minutes, leading to the following shortages:

Grade Level - Statutory Minute Requirement - Actual Minutes Provided - Minute Shortage

9-12 - 64,800 - 61,872 - 2,928

The SBE waiver is necessary to allow George Washington Carver and the Sacramento City Unified School District to invest the funds that would otherwise be paid as a penalty to instead improve student achievement by providing additional meaningful instruction to supplement students’ learning, engagement, and socialization.

Student Population: 168

City Type: Urban

Local Board Approval Date: 3/21/2024

Audit Penalty Yes or No: Yes

Categorical Program Monitoring: No

Submitted by: Ms. Janea Marking

Position: Chief Business and Operations Officer

E-mail: [janea-marking@scusd.edu](mailto:janea-marking@scusd.edu)

Telephone: 916-529-1164

Bargaining Unit Date: 02/06/2024

Name: Sacramento City Teachers Association

Representative: Nikki Milevsky

Title: President

Phone: [nmilevsky@saccityta.com](mailto:nmilevsky@saccityta.com)

Position: Support

# Attachment 8: Sacramento New Technology Early College High General Waiver Request 15-6-2024

CD Code: 3467439

Waiver Number: 16-3-2024

Active Year: 2024

Date In: 3/22/2024 1:08:14 PM

Local Education Agency: Sacramento New Technology Early College High

Address: 5735 47th Ave.

Sacramento, CA 95824

Start: 7/1/2021

End: 6/30/2022

Waiver Renewal: No

Waiver Topic: Instructional Time Requirement Audit Penalty

Ed Code Title: Charter - Minimum Instructional Time

Ed Code Section: *EC* section 47612.5

Ed Code Authority: *EC* Section 47612.6

Ed Code or *CCR* to Waive: (a) Notwithstanding any other law and as a condition of apportionment, a charter school shall do all of the following:

(1) For each fiscal year, offer, at a minimum, the following number of minutes of instruction:

(A) To pupils in kindergarten, 36,000 minutes.

(B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.

(C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.

(D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.]

(2) Maintain written contemporaneous records that document all pupil attendance and make these records available for audit and inspection.

(3) Certify that its pupils have participated in the state testing programs specified in Chapter 5 (commencing with Section 60600) of Part 33 in the same manner as other pupils attending public schools as a condition of apportionment of state funding.

(b) Notwithstanding any other law and except to the extent inconsistent with this section and Section 47634.2, a charter school that provides independent study shall comply with Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 and implementing regulations adopted thereunder. The state board shall adopt regulations that apply this article to charter schools. To the extent that these regulations concern the qualifications of instructional personnel, the state board shall be guided by subdivision (l) of Section 47605.

[(c) A reduction in apportionment made pursuant to subdivision (a) shall be proportional to the magnitude of the exception that causes the reduction. For purposes of paragraph (1) of subdivision (a), for each charter school that fails to offer pupils the minimum number of minutes of instruction specified in that paragraph, the Superintendent shall withhold from the charter school’s apportionment for average daily attendance of the affected pupils, by grade level, the sum of that apportionment multiplied by the percentage of the minimum number of minutes of instruction at each grade level that the charter school failed to offer.

Outcome Rationale: New Technology High School requests that the State Board of Education (SBE) waive the instructional time requirement audit penalty for the 2021-22 fiscal year. During the 2021-22 school year, New Technology High School experienced a shortage of eight instructional days caused by a teacher strike. In addition, the shortage of days led to a reduction in the annual instructional minutes, leading to the following shortages:

Grade Level - Statutory Minute Requirement - Actual Minutes Provided - Minute Shortage

9-12 - 64,800 - 61,872 - 2,928

The SBE waiver is necessary to allow New Technology High School and the Sacramento City Unified School District to invest the funds that would otherwise be paid as a penalty to instead improve student achievement by providing additional meaningful instruction to supplement students’ learning, engagement, and socialization.

Student Population: 172

City Type: Urban

Local Board Approval Date: 3/21/2024

Audit Penalty Yes or No: Yes

Categorical Program Monitoring: No

Submitted by: Ms. Janea Marking

Position: Chief Business and Operations Officer

E-mail: [janea-marking@scusd.edu](mailto:janea-marking@scusd.edu)

Telephone: 916-529-1164

Bargaining Unit Date: 02/06/2024

Name: Sacramento City Teachers Association

Representative: Nikki Milevsky

Title: President

Phone: [nmilevsky@saccityta.com](mailto:nmilevsky@saccityta.com)

Position: Support