

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Specific Waiver

# California State Board of Education March 2025 Agenda Item #W-05

## Subject

Request by **Contra Costa School of Performing Arts** under the authority of the California *Education Code* Section 47612.6(a), to waive California *Education Code* Section 47612.5(c), the audit penalty for offering insufficient instructional minutes during the 2022–23 school year.

## Waiver Number

4-9-2024

## Type of Action

Action, Consent

## Summary of the Issue(s)

Contra Costa School of Performing Arts (CCSPA or charter), a charter school, is requesting that the California State Board of Education (SBE) waive the instructional time requirement audit penalty. CCSPA was short instructional minutes for the 2022–23 school year. Per California *Education Code* (*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 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 47612.6(a)

**Recommendation**

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

The California Department of Education (CDE) recommends that the SBE approve the request by the charter to waive the instructional time fiscal penalty for offering less than the required instructional minutes for the requested period shown in Attachment 1, as long as the conditions outlined in Attachment 1 are met by the charter.

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

## Summary of Key Issues

During an audit of instructional time for 2022–23, it was discovered that CCSPA failed to offer the required 64,800 annual minutes for grades nine and twelve by 1,050 minutes. The shortage was due to the school offering office hours for grades 9 and 12, rather than seventh period.

CCSPA would like to use school years 2024–25 and 2025–26 to make up the shortfall of the instructional minutes. CCSPA has submitted documentation showing the affected school site will offer additional minutes for grades nine and twelve during the 2024–25 and 2025–26 school years to comply with the terms of the waiver.As noted in the Fiscal Analysis, below, failure to provide all of the required additional minutes specified in Attachment 1 will result in the reinstatement of the penalty amounts.

**Demographic Information:**

According to DataQuest, Contra Costa School of Performing Arts currently has a student population of 361 and is located in a suburban area in Contra Costa County.

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

The SBE has approved similar requests with conditions. *EC* Section 47612.6(a) 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 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.

## Fiscal Analysis (as appropriate)

The CCSPA’s 2022–23 instructional minute penalty amount of $12,562 is calculated as follows (some differences due to rounding):

* The average daily attendance (ADA) of 63.73 for affected students in grades nine and twelve multiplied by the funding rate of $12,167.64 (value per ADA rate) is equal to the charter’s Local Control Funding Formula (LCFF) apportionment of $775,444.
* A shortfall of 1,050 instructional minutes for the affected grade levels divided by the 64,800-minute requirement is equal to 1.62 percent of minutes not offered.
* The affected LCFF apportionment of $775,444 multiplied by the percentage of minutes not offered is equal to the instructional minute penalty amount of $12,562.

CCSPA’s failure to meet the conditions will result in the penalty identified above being reinstated, and the CDE will take action to recover the penalty amount from CCSPA’s Local Control Funding Formula entitlement.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Contra Costa School of Performing Arts Specific Waiver Request 4-9-2024 (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** | **Charter School** | **Period of Request** | **Charter Request** | **CDE Recommended Action** | **Bargaining Unit Representatives Consulted, Date, and Position** | **Local Board and Public Hearing Approval** | **Penalty Without Waiver** | **Previous Waivers** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 4-9-2024 | Contra Costa School of Performing Arts | **Requested:**  July 1, 2022, to June 30, 2023  **Recommended:**  July 1, 2022, to June 30, 2023 | Charter requests waiving *EC* Sections 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(a). | Approval of waiver, consistent with EC Section 47612.6(a) with the following conditions:  (1) Charter maintains increased instructional minutes for grades nine and twelve of at least the amount required by law plus 1,050 minutes, for a period of two years beginning in 2024–25 through 2025–26, and (2) Charter reports the increased annual instructional minutes offered in its annual audit report. | **Not Applicable** | Local Board Approval  October 15, 2024 | $12,562 | None |

Created by California Department of Education

March 2025

# Attachment 2: Contra Costa School of Performing Arts Specific Waiver Request 4-9-2024

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 0710074

Waiver Number: 4-9-2024

Active Year: 2024

Date In: 9/12/2024 2:46:48 PM

Local Education Agency: Contra Costa School of Performing Arts

Address: 1129 Fair Weather Circle

Concord, CA 94518

Start: 8/11/2022

End: 6/6/2023

Waiver Renewal: No

Waiver Topic: Instructional Time Requirement Audit Penalty

Ed Code Title: Charter - Minimum Instructional Time

Ed Code Section: 47612.5.(a)

Ed Code Authority: 47612.6

Ed Code or *CCR* to Waive: [(D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.]

Outcome Rationale: Our audit found students in 9th and 12th grade were short instructional minutes for the 22-23 school year. Grades 9 and 12 had 63,750 instructional minutes offered. This is 1,050 minutes short of the required 64,800. In creating the bell schedule for 22-23, 10th and 11th graders were offered a 7th-period class. 9th and 12th were offered office hours. Many 12th graders had already met their credit requirements and did not take up a 7th-period option or office hours. In addition, many students participated in arts activities after school during this period but were not filed as formal classes.

We have since reviewed instructional minutes to make sure we are meeting the requirements. In addition, our charter school students attend 180 days vs. 175.

We request a waiver for this situation from 22-23. In addition, we have increased minutes to make up for the time if needed this school year.

Student Population: 285

City Type: Suburban

Local Board Approval Date: 10/15/2024

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Catherine Foster

Position: Executive Director

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