



## SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 9.1

**Meeting Date:** April 6, 2017

**Subject:** Approve Waiver for Nonclassroom-Based Funding Determination for The Met

- ☐ Information Item Only
- ☐ Approval on Consent Agenda
- ☐ Conference (for discussion only)
- ☐ Conference/First Reading (Action Anticipated: \_\_\_\_\_)
- ☐ Conference/Action
- ☒ Action
- ☒ Public Hearing

**Division:** Business Services

**Recommendation:** Approve the Waiver for Nonclassroom- Based Funding Determination for The MET.

**Background/Rationale:** The MET is a dependent charter school with 9th through 12th grade students that has been in operation with Sacramento City Unified School District since the 2003-04 school year. The education model is of an independent study, where students perform work two days a week as a part of their education experience. Under this model, the MET is required to apply for Nonclassroom-Based Determination every five years. The application submitted in February 2017 for years 2016-17 through 2021-22 was not accepted by the California Department of Education Charter School Division for 2016-17 as it was required to be submitted **prior** to the start of the school year. A waiver is needed to obtain funding for 2016-17.

California Education Code (EC) sections 47612.5 and 47634.2, and California Code of Regulations, Title 5 (5 CCR) established the criteria for the review and evaluation of determination of funding requests for nonclassroom-based charter schools. 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 State Board of Education (SBE). 5 CCR Section 11963.4 requires the California Department of Education (CDE) to review a charter school's determination of funding request and to present the request to the Advisory Commission on Charter Schools (ACCS).

**Financial Considerations:** A potential \$2,112,877 loss of funding if the waiver is not approved

**LCAP Goal(s):** Family and Community Empowerment; Operational Excellence

**Documents Attached:**

1. Executive Summary

**Estimated Time:** N/A

**Submitted by:** Gerardo Castillo, CPA, Chief Business Officer

**Approved by:** José L. Banda, Superintendent

# Board of Education Executive Summary

## Business Services

Waiver for The MET Nonclassroom-Based  
Funding Determination for 2016-17  
April 6, 2017



### I. OVERVIEW/HISTORY:

A charter school that does not meet the requirements for classroom-based instruction, as specified in California Education Code (EC) Section 47612.5(e)(1) is considered to offer nonclassroom-based (NCB) instruction and will need to submit a request for a determination of funding to the California Department of Education (CDE). Pursuant to EC Section 47612.5(e)(1):

Classroom-based instruction occurs only when charter school pupils are engaged in educational activities required of those pupils and are under the immediate supervision and control of an employee of the charter school who possesses a valid teaching certification in accordance with EC Section 47605 (l). For purposes of calculating average daily attendance (ADA) for classroom-based instruction apportionments, at least 80 percent of the instructional time offered by the charter school shall be at the school site, and the charter school shall require the attendance of all pupils for whom a classroom-based apportionment is claimed at the school site for at least 80 percent of the minimum instructional time required to be offered pursuant to EC Section 47612.5(a)(1).

Classroom-based instruction is further defined in California Code of Regulations, Title 5 (5 CCR), Section 11963. Charter schools operating nonclassroom-based instruction will need to have a funding determination approved by the State Board of Education (SBE). Without an SBE-approved funding determination, a charter school may not be eligible for funding for its nonclassroom-based ADA.

The funding request is reviewed by the CDE and its recommendation will be forwarded to the Advisory Commission on Charter Schools (ACCS). The ACCS and CDE recommendations will be forwarded to the SBE for a final funding determination.

The funding request (FDF) submitted to CDE in February 2017 for years 2016-17 through 2021-22 was not reviewed or processed by the California Department of Education for 2016-17 as it was deemed untimely.

In order for CDE to accept the funding request, a waiver must be approved. The MET is a dependent Charter School with 9th through 12th grade students that has been in operation in Sacramento City Unified School District since the 2003-04 school year under nonclassroom-based instruction. Under this model, the MET is required to apply for Nonclassroom-Based determination every five years.

### II. DRIVING GOVERNANCE:

*California Education Code (EC)* sections 33050-33053 permit the State Board of Education (SBE) to waive most, but not all, *EC* sections or the *California Code of Regulations* Title 5 (5CCR). This is known as the general waiver authority.

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## Business Services

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### III. BUDGET:

The waiver request does not increase or decrease the budget. However, there is a potential loss of \$2,112,877 in funding if the waiver is not approved.

### IV. Goals, Objectives and Measures:

Maintain the program that has been successful at The Met since 2003-04.

### V. Major Initiatives:

The District will submit a waiver to CDE to request the approval of The MET nonclassroom-based funding determination for 2016-17 through 2021-22.

### VI. Results:

In conjunction with The MET administration, central staff in the Business division will continue working with CDE to obtain the nonclassroom-based funding for years 2016-17 throughout 2021-22.

### VII. Lessons Learned/Next Steps:

- Complete the waiver online
- Follow timelines appropriately
- Plan ahead and accordingly for projects that do not occur annually
- Meet and communicate more often with school site administration
- Ensure compliance with CDE requirements