



State Board of Education Waiver Request for 2021-22 Instructional Time Penalty for Sacramento City Unified School District:

**Bowling Green Charter School, New Joseph
Bonnheim Community Charter School, George
Washington Carver School of Arts and Science,
and New Technology High School**

Board Meeting

March 21, 2024

Agenda Item No. 9.3

Presented by:

Cancy McArn, Chief of Human Resources

Acronyms

CDE	California Department of Education
SBE	State Board of Education
SCTA	Sacramento City Teachers Association

Opportunity to Provide Additional Instructional Days to Students

- 8 additional instructional days for students in the 2024-2025 school year as well as an additional 8 instructional days in the 2025-2026 school year
- State Board of Education (SBE) waiver request must be approved by the Sacramento City Unified School District (SCUSD) governing board and submitted to the California Department of Education (CDE)

2021-2022 School Year

SCUSD received an instructional time penalty for a shortage of instructional days and annual instructional minutes for the days without instruction between March 23, 2022, and April 2, 2022

SCUSD Dependent Charter Schools

- Bowling Green Charter School, New Joseph Bonnheim Community Charter School, George Washington Carver School of Arts and Science, and New Technology High School also received an audit finding for a shortage of days and minutes
- A charter school is considered a separate local educational agency and must submit its own waiver request with CDE
- Statute only allows charter schools to seek a waiver for a shortage of annual instructional minutes. Statute does not allow charter schools to seek a waiver for shortage of instructional days

Summary: Sacramento City USD

Grade Level	2021-22 Day Shortage	2021-22 Minute Shortage	Annual Day Requirement	Annual Minute Requirement	Annual Day Requirement if SBE Approves IT Waiver	Annual Minute Requirement if SBE Approves IT Waiver
TK/K	8	1,600	180	36,000	188	37,600
Grades 1-3	8	2,256	180	50,400	188	52,656
Grades 4-6	8	2,416	180	54,000	188	56,416
Grades 7-8	8	2,592	180	54,000	188	56,592
Grades 9-12	8	2,928	180	64,800	188	67,728

Summary: Bowling Green Charter School

Grade Level	Statutory Annual 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

Summary: New Joseph Bonnheim Community Charter School

Grade Level	Statutory Annual 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

Summary: George Washington Carver School of Arts

Grade Level	Statutory Annual Minute Requirement	Actual Minutes Provided	Minute Shortage
9-12	64,800	61,872	2,928

Summary: New Technology High School

Grade Level	Statutory Annual Minute Requirement	Actual Minutes Provided	Minute Shortage
9-12	64,800	61,872	2,928

Education Code section 46206

Allows the State Board of Education (SBE) to waive the fiscal penalties associated with instructional day and/or minute shortages provided that a school district complies with specific conditions. The schools with instructional time shortages must offer the number of days and/or minutes they were short, in addition to the number of days and minutes required by statute, for two consecutive school years

Education Code section 47612.6

Allows the State Board of Education (SBE) to waive the fiscal penalties associated with instructional minute shortages provided that a charter school complies with specific conditions. The charter schools with instructional minute shortages must offer the number of minutes they were short, in addition to the number of minutes required by statute, for two consecutive school years

Agreement Reached

The SCUSD and Sacramento City Teachers Association (SCTA) have reached agreement on a proposal to add the additional days and instructional minutes to the 2024-25 and 2025-26 school years, as required by statute.

A successful SBE waiver of the instructional time penalty will ensure that the funds that would otherwise be used to pay for the penalty will instead be used to improve student achievement by providing additional meaningful instruction to supplement students' learning, engagement, and socialization.

Agreement Reached and Board Approved

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Settlement Agreement
By & Between
The Sacramento City Unified School District (SCUSD)
&
The Sacramento City Teachers Association (SCTA)
February 6, 2024

As part of their reopening negotiations, the Sacramento City Unified School District (SCUSD) and the Sacramento City Teachers Association (SCTA) (collectively, parties), having a mutual interest in resolving several, long-outstanding matters to establish a clear pathway to work together to improve students' learning conditions in our District, hereby agree to the following:

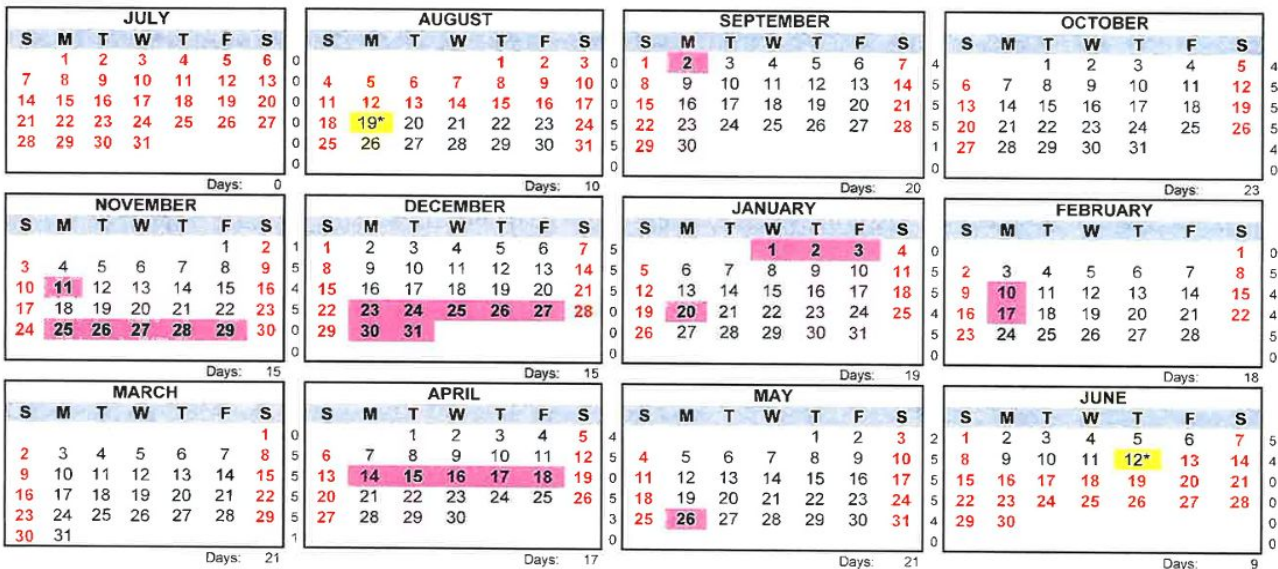
- I. **Make-up Days for students in the 2024-25 and 2025-26 school years:**
 - A. SCUSD will apply for a waiver from the California State Board of Education to forgive the \$47 million instructional day and minutes penalty imposed on the District related to the reduced instructional days and minutes offered during the 2021-22 school year, and such waiver request will propose adding eight days of instruction in each two successive school years.
 - B. In the event the waiver is approved prior to May 15, 2024, SCTA and SCUSD agree to the following:
 1. Eight (8) instructional days will be added to the student instructional calendar in each of the 2024-25 and 2025-26 school years. The eight additional instructional days will be August 19, 20, 21, 22, 23, 26, 27, 28, 2024 in the 2024-25 year and August 18, 19, 20, 21, 22, 25, 26, 27, 2025 in the 2025-26 year.
 2. The K-12 certificated employee service year will be increased from 184 workdays to 192 workdays for the 2024-25 school year and from 181 to 189 workdays for the 2025-26 school year. The service year shall revert to 181 workdays in 2026-27 school year and

Traditional Student Attendance Calendar 2024-2025



Human Resource Services Traditional Student Attendance Calendar 2024-25 School Year

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Legend/Key	
*	First/Last Day of School
	Holidays

of School Days (Students)
188

Traditional Student Attendance Calendar 2025-2026



Human Resource Services
Traditional Student Attendance Calendar
 2025-26 School Year

Handwritten initials: NM

JULY							AUGUST							SEPTEMBER							OCTOBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5		3	4	5	6	7	8	9	1	2	3	4	5	6			1	2	3	4	5
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27	28	29	30	31			31							28	29	30					26	27	28	29	30	31	
Days: 0							Days: 10							Days: 21							Days: 23						
NOVEMBER							DECEMBER							JANUARY							FEBRUARY						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
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23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	31							
30																											
Days: 14							Days: 15							Days: 19							Days: 18						
MARCH							APRIL							MAY							JUNE						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7			1	2	3	4			1	2	1	2	3	4	5	6					
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22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30	28	29	30				
Days: 20							Days: 19							Days: 20							Days: 9						

Legend/Key	
*	First/Last Day of School
	Holidays

of School Days (Students)
188

Updated 3-12-2024

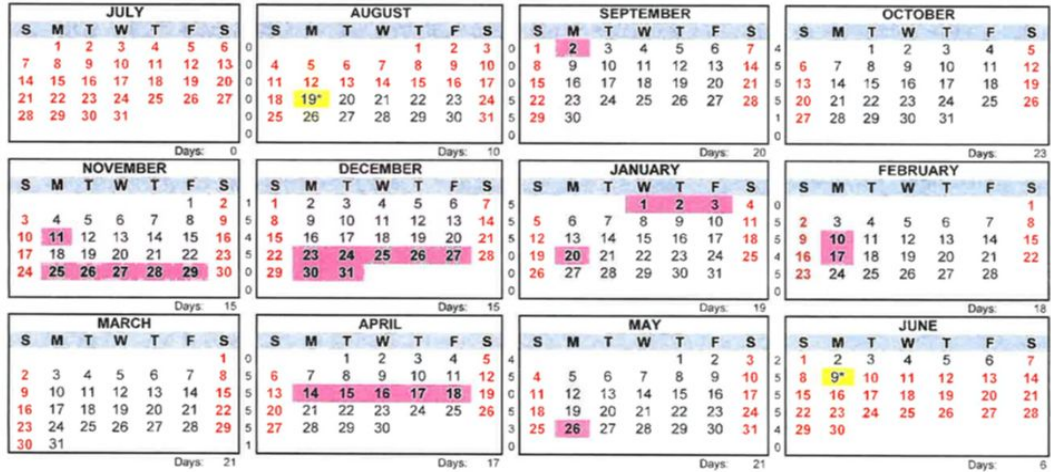


Adult Education Attendance Calendar 2024-2025



Human Resource Services Adult Education Attendance Calendar 2024-25 School Year

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Legend/Key	
*	First/Last Day of School
	Holidays

of School Days (Students)
185

Updated 3-12-2024

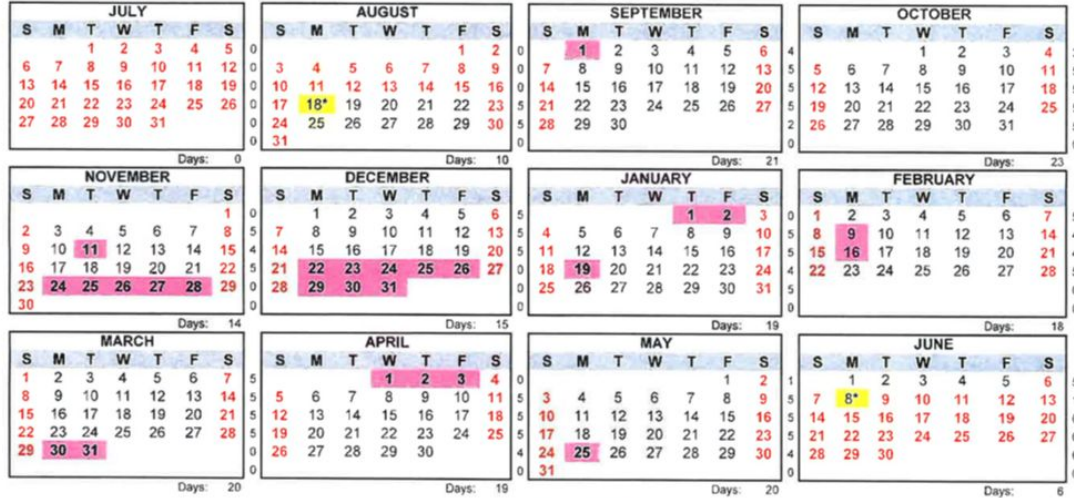


Adult Education Attendance Calendar 2025-2026



Human Resource Services Adult Education Attendance Calendar 2025-26 School Year

AM



Legend/Key	
*	First/Last Day of School
	Holidays

of School Days (Students)
185

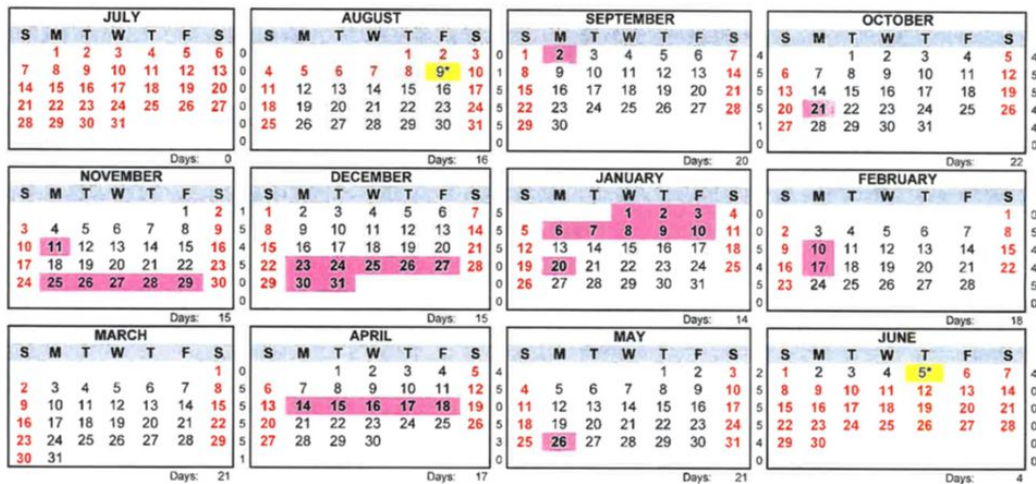
New Technology High School Attendance Calendar 2024-2025

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Human Resource Services

New Technology High School Student Attendance Calendar 2024-25 School Year



Legend/Key	
*	First/Last Day of School
*	Holidays

of School Days (Students)
183

Updated 3-15-2024

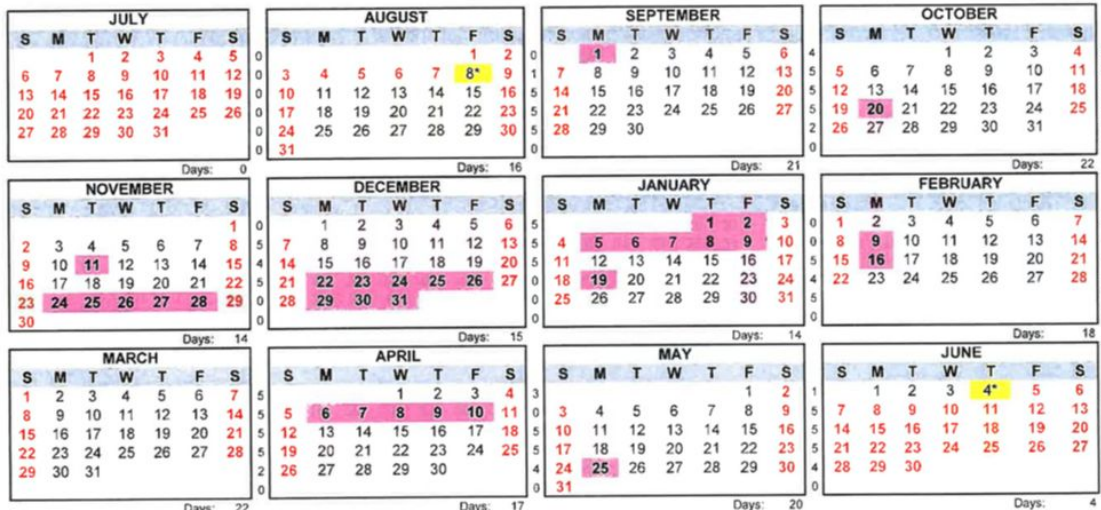


New Technology High School Attendance Calendar 2025-2026



Human Resource Services New Technology High School Student Attendance Calendar

2025-26 School Year



Legend/Key	
■	First/Last Day of School
■	Holidays

of School Days (Students)
183

Updated 3-15-2024



George Washington Carver School of Arts and Science Attendance Calendar 2024-2025



Human Resource Services
 George Washington Carver School of Arts and Science
 Student Attendance Calendar
 2024-25 School Year

NW

JULY							AUGUST							SEPTEMBER							OCTOBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6		4	5	6	7	8	9	10	1	2	3	4	5	6	7	1	2	3	4	5	6	7
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21	22	23	24	25	26	27	25	26	27	28	29	30	31	22	23	24	25	26	27	28	20	21	22	23	24	25	26
28	29	30	31											29	30						27	28	29	30	31		
Days: 0							Days: 10							Days: 20							Days: 23						
NOVEMBER							DECEMBER							JANUARY							FEBRUARY						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
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3	4	5	6	7	8	9	8	9	10	11	12	13	14	12	13	14	15	16	17	18	9	10	11	12	13	14	15
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17	18	19	20	21	22	23	22	23	24	25	26	27	28	26	27	28	29	30	31	23	24	25	26	27	28		
24	25	26	27	28	29	30	29	30	31																		
Days: 15							Days: 15							Days: 19							Days: 18						
MARCH							APRIL							MAY							JUNE						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
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23	24	25	26	27	28	29	27	28	29	30											29	30					
30	31																										
Days: 21							Days: 17							Days: 21							Days: 9						

Legend/Key	
*	First/Last Day of School
	Holidays

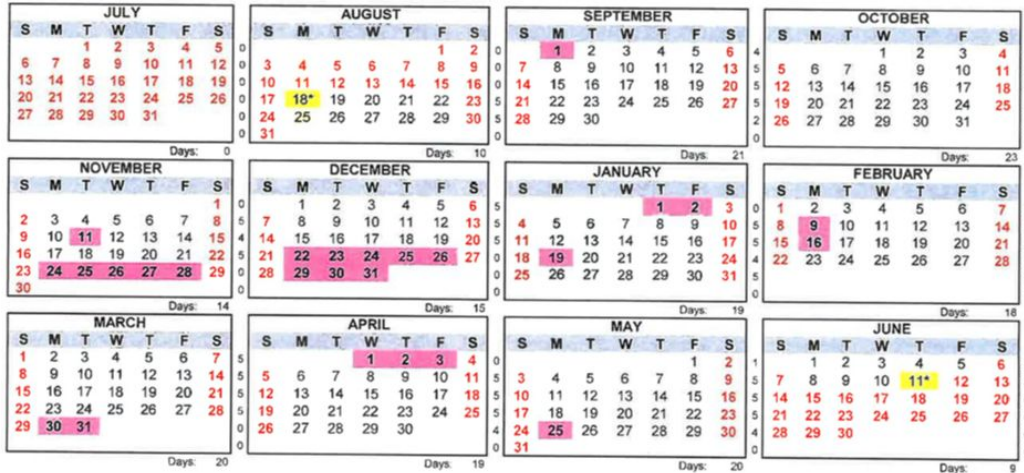
of School Days (Students)
188



George Washington Carver School of Arts and Science Attendance Calendar 2025-2026



Human Resource Services
George Washington Carver School of Arts and Science
Student Attendance Calendar
2025-26 School Year



Legend/Key	
*	First/Last Day of School
	Holidays

of Work Days
188

Bowling Green Charter School Student Attendance Calendar 2024-2025

NM



Human Resource Services
Bowling Green Charter School Student Attendance Calendar
 2024-25 School Year

JULY							AUGUST							SEPTEMBER							OCTOBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
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28	29	30	31	25	26	27	28	29	30	31	29	30	27	28	29	30	31										
Days: 0							Days: 10							Days: 20							Days: 23						

NOVEMBER							DECEMBER							JANUARY							FEBRUARY						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
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24	25	26	27	28	29	30	29	30	31	26	27	28	29	30	31	23	24	25	26	27	28						
Days: 15							Days: 15							Days: 19							Days: 18						

MARCH							APRIL							MAY							JUNE								
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S		
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2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12*	13	14		
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16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28		
23	24	25	26	27	28	29	27	28	29	30	25	26	27	28	29	30	31	29	30										
30	31	Days: 21							Days: 17							Days: 21							Days: 9						

Legend/Key	
	First/Last Day of School
	Holidays

of School Days (Students)
188



Bowling Green Charter School Student Attendance Calendar 2025-2026

NM



Human Resource Services
Bowling Green Charter School Student Attendance Calendar
 2025-26 School Year

JULY							AUGUST							SEPTEMBER							OCTOBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
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27	28	29	30	31	31																						
Days: 0							Days: 10							Days: 21							Days: 23						

NOVEMBER							DECEMBER							JANUARY							FEBRUARY						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
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23	24	25	26	27	28	29	28	29	30	31	25	26	27	28	29	30	31	25	26	27	28	29	30	31			
30																											
Days: 14							Days: 15							Days: 19							Days: 18						

MARCH							APRIL							MAY							JUNE						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
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Days: 20							Days: 19							Days: 20							Days: 9						

Legend/Key	
*	First/Last Day of School
	Holidays

of Work Days
188

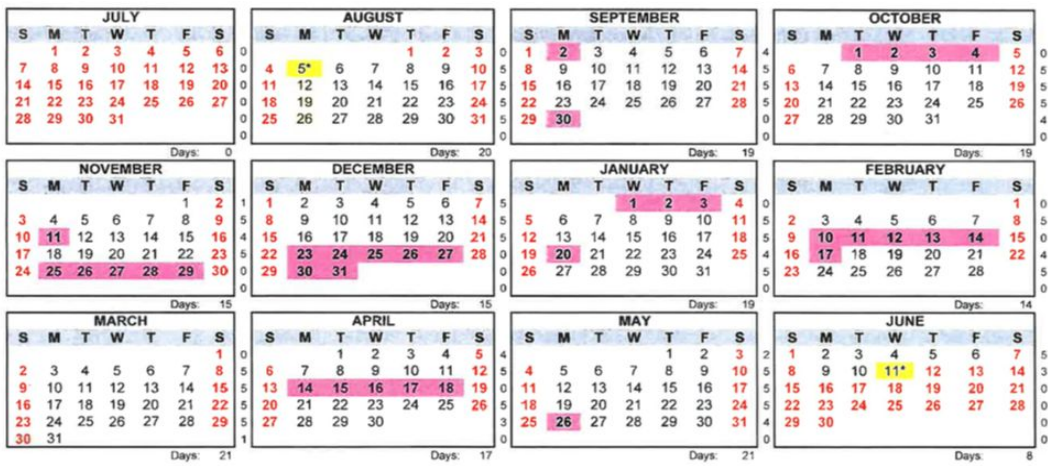
Updated 3-15-2024

New Joseph Bonnheim Community Charter School Student Attendance Calendar 2024-2025

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Human Resource Services
New Joseph Bonnheim Community Charter School Student Attendance Calendar
 2024-25 School Year



Legend/Key	
*	First/Last Day of School
	Holidays

of School Days (Students)
188



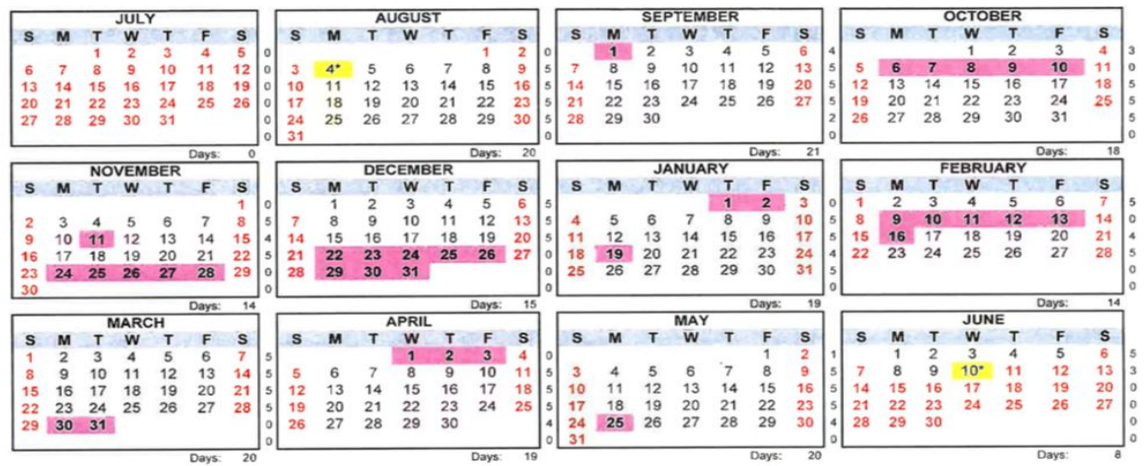
New Joseph Bonnheim Community Charter School Student Attendance Calendar 2025-2026

CM
MM



Human Resource Services

New Joseph Bonnheim Community Charter School Student Attendance Calendar 2025-26 School Year



Legend/Key	
	First/Last Day of School
	Holidays

of School Days (Students)
188



Online submission of the State Board of Education (SBE) waiver

The following data fields are required as part of the online submission of the State Board of Education (SBE) waiver.

SECTION 1: DISTRICT INFORMATION

County

Sacramento

District

Sacramento City Unified School District

Address

5735 47th Avenue
Sacramento, CA 95824

SECTION 2: WAIVER INFORMATION

Period of Request

July 1, 2021 - June 30, 2022

Renewal?

No

Waiver Topic

Instructional Time Requirement Audit Penalty

Education Code Title

Below 1982-83 Base Minimum Minutes

SECTION 2: WAIVER INFORMATION

Period of Request

July 1, 2021 - June 30, 2022

Renewal?

No

Waiver Topic

Instructional Time Requirement Audit Penalty

Education Code Title

Below 1982-83 Base Minimum Minutes

Education Code Sections to be Waived

41420, 46208, 46207

Education Code Authority for Waiver

EC Section 46206

Education Code or CCR section to be waived...

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

Online submission of the State Board of Education (SBE) waiver

Education Code Authority for Waiver EC Section 46206

Education Code or CCR section to be waived... 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.

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.]

EC section 46207

[(a) Notwithstanding Sections 46200 to 46205, inclusive, upon a determination that a school

Online submission of the State Board of Education (SBE) waiver

than what was required pursuant to this section, for up to five days.]

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.

Student Population

37,468

Location Description

Urban

Desired 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

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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.

SECTION 3: APPROVALS/REVIEW

Local Board Approval Date

March 21, 2024

SECTION 4: BARGAINING UNIT

Does the district have any employee bargaining units?

Yes

Bargaining Unit(s) Consulted on Date(s)

February 6, 2024

Name of Bargaining Unit

Sacramento City Teachers Association

Representative

Nikki Milevsky

President

nmilevsky@saccityta.com

The Position of the Bargaining Unit

Support

SECTION 5: ATTACHMENTS

Apportionment Related Audit Penalty (per EC 41344)

Yes

Attach copy of the audit finding

Categorical Program Monitoring (CPM)

No

Upload Attachments

- *Audit finding*
- *Board action document*
- *Instructional calendars*
- *Board waiver materials*
- *Auditor statement*
- *Agreement with SCTA—February 6, 2024, signed*

Online submission of the State Board of Education (SBE) waiver

Attach copy of the audit finding

Categorical Program Monitoring (CPM)

No

Upload Attachments

- *Audit finding*
- *Board action document*
- *instructional calendars*
- *Board waiver materials*
- *Auditor statement*
- *Agreement with SCTA—February 6, 2024, signed*
- *March 8, 2024, email from Alexander Moos detailing options for SCUSD submission of waiver*

SECTION 6: CONTACT INFORMATION

Janea Marking
Chief Business and Operations Officer
janea-marking@scusd.edu
916-529-1164

RESOURCES

<https://www.cde.ca.gov/re/lr/wr/specificwaiver.asp>
<https://www.cde.ca.gov/fg/au/ag/sbeinstructwaiver.asp>
<https://www2.cde.ca.gov/waiverweb/logon.aspx>

Results & Next Steps

A successful SBE waiver of the instructional time penalty will ensure that the funds that would otherwise be used to pay for the penalty will instead be used to provide additional meaningful instruction to supplement students' learning, engagement, and socialization.

Consent items will authorize District staff to file the requests for the SBE to waive the annual instructional day and minute requirement audit penalties for the 2021-22 fiscal year.

Waivers will be submitted to the CDE for approval by the SBE. The SBE is expected to consider the waivers at its May meeting.

Questions