

**GENERAL WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**MARCH 2003 AGENDA**  
**Item No. WC-2**

<p><b>TITLE:</b> Request by the <b>Capistrano Opportunities for Learning Charter School</b> under the authority of <i>Education Code</i> 33054 to waive Title 5 CCR Section 11960(a), related to charter school attendance.</p> <p><b>CDSIS:</b> 13-1-2003</p>	<p>_____ <b>ACTION</b> _____ <b>INFORMATION</b> _____ <b>PUBLIC HEARING</b> <u>  <b>X</b>  </u> <b>CONSENT</b></p>
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**RECOMMENDATION:**

The Department recommends:      Approval

As a condition of this waiver: 1) the Capistrano Opportunities for Learning Charter School will report attendance for a maximum of five tracks; 2) each track will provide a minimum of 175 days; 3) the charter will operate programs that provide at least the same total amount of instructional time as non-charter schools in the district; 4) no track will have fewer than 55 percent of its school days prior to April 15; and 5) average daily attendance (ADA) will be calculated in the same manner as is required of non-charter schools on multi-track year-round education calendars.

If approved, *Education Code* 33051(c) will apply, and the district will not have to reapply annually if the information contained on the request remains the same.

Denial

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**Summary of Previous State Board of Education Discussion and Action:**

At its July 2002 meeting, the State Board of Education (SBE) approved the Charter School Average Daily Attendance Waiver Policy (#2000-05) that applies to this waiver.

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**Summary of Key Issue(s):**

This waiver meets the conditions and criteria of the Charter School Average Daily Attendance Waiver Policy (#2005-05) approved by the SBE in July 2000.

The Capistrano Opportunities for Learning Charter School is requesting a waiver of Section 11960 of Subchapter 19 of Title 5 of the *California Code of Regulations* (CCR) regarding charter school regular ADA. The language in subsection (a) of Section 11960 that states, "Regular average daily attendance shall be computed by dividing a charter school's total number of pupil-days of attendance by the number of calendar days on which school was actually taught in the charter school."

This waiver is being requested because the Capistrano Opportunities for Learning Charter School proposes to operate a multi-track year-round education calendar. As a result, the total number of days this school is actually taught is 255. However, each track of students

will only be offered school for 175 days of instruction. Therefore, the waiver is requested to separately calculate ADA in each track (rather than for the school as a whole) by the method set forth in Title 5 CCR Section 11960, and then total the resulting figures. This is the same method that is required for non-charter schools that operate on a multi-track year-round calendar.

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Bargaining unit(s) consulted on: N/A

Position of bargaining unit (choose only one):

Neutral                                       Support                                       Oppose

Name of bargaining unit representative:

Public hearing identified by (choose one or more):

posting in a newspaper     posting at each school     other (specify)

Public hearing held on: 12/02/02

Local board approval date: 12/02/02

Advisory committee(s) consulted: N/A

Objections raised (choose one):  None                       Objections are attached on  
separate sheet

Date consulted: N/A

Effective dates of request: 07/01/02-06/30/04

**Fiscal Analysis (as appropriate):**

No State fiscal impact is expected as a result of this waiver.

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**Background Information:**

Waiver request forms and supporting documents are available for inspection in the Waiver Office