



CALIFORNIA STATE BOARD OF EDUCATION

ITEM #W-6

MARCH 2004 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by California Virtual Academy @ San Diego Charter School for a waiver of <i>Education Code</i> Section 51745.6 and Title 5, <i>California Code of Regulations (CCR)</i> sections 11704 and 11963.3(2) related to charter school independent study average daily attendance (ADA)-to-teacher ratios to allow a ratio that is 50 percent higher than the ratio required by these sections. (Prospective)</p> <p>Waiver Number: 8-9-2003</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input type="checkbox"/> Consent</p>
---	---

RECOMMENDATION

Approval Approval with conditions Denial

That the waiver be for one year only (2004-5) to evaluate this new type of virtual program and that the increase in the ADA-to-teacher ratio is only 10 percent above the ratio that would otherwise be applicable, but no greater than 30 to 1.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In April 2001, the State Board of Education (SBE) adopted waiver guidelines for the independent study ADA-to-teacher ratio. The policy states that a waiver may be considered appropriate if the purpose of the higher ADA-to-teacher ratio is to redirect resources to pay for other services for the direct benefit of students in independent study, such as intensive counseling services provided by appropriately credentialed staff. The policy states that the SBE will consider waivers that meet certain conditions including:

- (1) The request for a new maximum ADA-to-teacher ratio for the independent study is not greater than 10 percent above the ratio that would be applicable absent the waiver, and this agreed "new maximum ratio" will be maintained in all future years of the waiver.
- (2) The district will expend all revenues generated by students in independent study on services for those students, recognizing the need to allow for reasonable indirect cost charges.
- (3) The local educational agency will provide an annual report of expenditures and assurances to the CDE, using the standard report form supplied, the Local Education Agency Report to California Department of Education: Use of Apportionment Funds Generated by Students in Independent Study.

The waiver should also include the rationale for the requested ratio, explaining how the

proposed change would improve the quality of education offered to independent study students (e.g., what new or increased services would be provided with the additional revenue claimable through the waiver).

SUMMARY OF KEY ISSUES

California Virtual Academy @ San Diego Charter School is seeking a waiver of *Education Code* Section 51745.6 and Title 5 *CCR* sections 11704 and 11963.3(2) related to independent study ADA-to-teacher ratios for its charter school to allow a ratio that is 50 percent higher than the ratio required by these sections. The reported ADA-to-teacher ratio is currently 27.1 to 1. The charter school is requesting a waiver to allow it to collect apportionment based on a ratio of 40.6 to 1.

The basis of California Virtual Academy’s request is that ADA-to-teacher ratio calculations are not appropriate for on-line charter school programs and that the school is providing an array of other student support services to its students, i.e., “On-line School,” parent training, help line, and computer support. The California Virtual Academy on-line program takes away some of the traditional teacher duties, such as lesson planning, some instruction, and course-level testing and grading. The waiver claims that the addition of students to each teacher will have no impact, therefore, on the quality of the educational program provided to students.

CDE notes that the SBE has grounds for denial of this waiver at the higher level requested pursuant to *Education Code* Section 33050(a)(1), that the educational needs of the pupil are not adequately addressed. California Virtual Academy argues that the increase in students for each teacher, i.e. from 27 to 40, will not impact the quality of the educational program. CDE does not find this argument well supported. The educational needs of the students are better served with a lower ratio that enables greater contact between students and teachers.

However, consistent with the SBE adopted policy for “regular” independent study ADA-to-teacher ratios, CDE recommends that a 10 percent increase in the ADA-to-teacher ratio be allowed, with the ratio not to exceed 30 to 1. Although the SBE policy does not specifically address charter schools, the 10 percent increase in this case appears supported. CDE is not recommending that the other conditions of the SBE policy be applied in this case because the charter school already only serves independent study students and the school already reports its revenues and expenditures to the CDE through the SB 740 process.

Authority for Waiver: *Education Code* Section 33050

Bargaining unit(s) consulted on date(s): The School does not have any employee bargaining units.

Position of bargaining unit(s) (choose only one): The School does not have any employee bargaining units.

Neutral Support Oppose

California Virtual Academy @ San Diego Charter School, Page 3

Name of bargaining unit representative(s): The School does not have any employee bargaining units.

Public hearing identified by (choose one or more):

posting in a newspaper posting at each school other (Notice Posted at District Offices, Notice Posted at meeting site)

Public hearing held on date(s): 12/12/03

Local board approval date(s): 12/12/03

Advisory committee(s) consulted: No parent committee. Governing Board (with parents) reviewed waiver—no objections.

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

Date(s) consulted: September 23, 2003

Period of request: 7/1/03 – 6/30/05 requested. Approval recommended for 2004-5 year only.

FISCAL ANALYSIS (AS APPROPRIATE)

There will be no fiscal impact to the state as a result of approval of this waiver. Allowing a greater ADA-to-teacher ratio will not increase the amount of funding provided to this school. However, it will allow the school redirect its resources away from teacher salaries and related expenditures to other uses.

BACKGROUND INFORMATION

Waiver request form and background information are attached to this summary.