



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

General Waiver

SUBJECT Request by Del Norte County Office of Education for Castle Rock Charter School to waive portions of Title 5 CCR Section 11960(c)(A) and (B), related to charter school attendance, to be able to enroll new students over age 20 and to serve students that have reached 23 years and older, while continuing to receive K-12 apportionment for these students. Waiver Number: 85-3-204	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

Approval Approval with conditions Denial

On the basis of *Education Code* 33051(a)(6), the request would substantially increase state costs.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This type of waiver has never been heard by the State Board of Education (SBE) before. These regulations were approved by the SBE on May 8, 2003, and were approved on February 10, 2004 by the Office of Administrative Law and will go into effect on July 1, 2004.

SUMMARY OF KEY ISSUES

Education Code Section 47612(b) clearly places a limitation on the claiming of individuals over 19 years of age as K-12 average daily attendance (ADA) by charter schools. Prior to the formulation and approval of new regulations, the limitation was expressed as an administrative interpretation, which had not been put into regulations, thus the statute was in need of clarification.

The SBE modified the regulations and clarified the age of attendance allowed for K-12 apportionment purposes for charter schools. The new regulations, clarified when apportionment can be claimed from students who are 20 years of age and over. These students can only be claimed as K-12 average daily attendance by charter schools if they were first enrolled in a charter school at the age of 19 or younger, have stayed continuously enrolled in public school since that time, and are maintaining satisfactory progress toward award of a high school diploma. Under the new regulations, no apportionment can be claimed once the student reaches the age of 23.

Castle Rock Charter School is requesting a waiver of these new regulations when they go into effect on July 1, 2004, so they can continue to enroll new students who are 20

Del Norte County Office of Education for Castle Rock Charter School, Page 2

years old and older, and serve students who are 23 years old and older. The rationale for this waiver request is that the area served by the charter school in Del Norte County is remote and rural. The charter school has been very receptive to the needs of adult students and has established a program to serve these students in their homes rather than requiring that they attend evening adult education classes. Last year, 147 adult students received a high school diploma through the charter school. The program has experienced success in working with various adult constituencies, i.e. incarcerated students, Native American adult students, migrant Hispanic adults, and unemployed individuals.

A number of letters in support of the waiver request were also sent in from adult students and local associations. They also describe the importance of this program for adults in Del Norte County. Most of these letters are from current adult charter school students who would be excluded from attending the charter school under the new regulations. (Copies of these letters may be reviewed in the CDE Waiver Office, or the SBE Office)

During the initial notice period of January 31, 2003 through the public hearing on April 9, 2003, the SBE fully considered the effects of the proposed regulations and realized that many adult students would no longer be able to attend charter schools. While particular charter school programs serving adult students may be meritorious, regulatory changes were necessary to clarify provisions of statute that were subject to multiple and varying interpretations.

Charter schools are designed to be K-12 programs and not adult education programs. Adult Education ADA is funded at about half the rate provided for K-12 enrollment. In addition, the SBE also considered the fact that adult education programs are available to adult students throughout the state to provide these types of educational services. Adult Education programs that are currently funded and available to students in this area of the state include:

Adult School, Del Norte USD
301 West Washington Blvd
Crescent City, CA 95531
707-464-0380

Rural Human Services
286 M Street
Crescent City, Ca 95531
707-464-7441

Rural Human Services is a community-based organization that offers adult basic education, high school diploma classes, English as a Second Language (ESL), ESL citizenship, and English Literacy Civic Participation.

Therefore based on the availability of adult education services, and the fact that charter school average daily attendance is funded by the state at approximately twice the amount as adult education average daily attendance, **the department recommends denial of this waiver based on EC 33051(a)(6). The request would substantially increase state costs. See additional cost data below.**

Del Norte County Office of Education for Castle Rock Charter School, Page 3

Authority for Waiver: *Education Code* (EC) Section 33050 through 33054 (for charters).

Bargaining unit(s) consulted on date(s): October 22, 2003

Position of bargaining unit(s) (choose only one):

Neutral

Support

Oppose

Name of bargaining unit/representative(s): Margie Rouge

Public hearing identified by (choose one or more):

posting in a newspaper

posting at each school

other (specify)

Public hearing held on date(s): October 23, 2003

Local board approval date(s): October 23, 2003

Advisory committee(s) consulted: Castle Rock Charter School Advisory Committee

Objections raised (choose one): None Objections are as follows:

Date(s) consulted: October 21, 2003

Period of request: September 2, 2004 to June 30, 2005

FISCAL ANALYSIS (AS APPROPRIATE)

Castle Rock Charter School is currently serving about 420 adult students. The charter school block grant rate is approximately \$5,460 per full-time student. Therefore, the cost to the state for these 420 full-time adult charter students is approximately \$2,293,200. The difference between adult education funding and charter school funding exceeds \$1,100,000.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waive Office or the State Board Office.