

OAKLAND UNIFIED SCHOOL DISTRICT
Office of the State Administrator

June 25, 2008

To: Vincent Matthews, State Administrator
Board of Education

From: Kirsten Vital, Chief of Community Accountability
David Montes de Oca, Coordinator, Office of Charter Schools

Re: **Public Hearing and Adoption of Resolution 0708-0228 - Request To the California State Board of Education for Specific Waiver of Education Code Section 47612.5 Pertaining To Minimum Length of Instructional Minutes and/or Instructional Day Regarding Pupils at Millsmont Academy for Fiscal Year 2006-2007**

ACTION REQUESTED:

Conduct Public Hearing and Adoption of Resolution 0708-0228 - Request To the California State Board of Education for Specific Waiver of Education Code Section 47612.5 Pertaining To Minimum Length of Instructional Minutes and/or Instructional Day Regarding Pupils at Millsmont Academy for Fiscal Year 2006-2007.

BACKGROUND:

The 2006-2007 audit of Millsmont Academy resulted in a finding that a seventh grade teacher at the school was not properly credentialed and that apportionment penalties could be assessed by the California Department of Education per Sections 47612.5(a)(1) and 47612.5(c) of the California Education Code. Aspire Public Schools ("Aspire"), Millsmont Academy's charter management organization, is seeking a waiver of this reduction in apportionment per Education Code Section 47612.6. Aspire is also appealing this teacher credentialing penalty to the California Department of Education.

Education Code Section 47612.6 states that the State Board of Education may waive fiscal penalties calculated pursuant to Section 47612.5 if the charter school agrees to maintain instructional minutes equal to the minutes it failed to offer and the minimum number of required instructional minutes for twice the number of years that it failed to maintain the required minimum instructional minutes for the fiscal year. To satisfy this waiver requirement, Millsmont offered an excess of 8,245 instructional minutes in Fiscal Year 2007-2008. This amount makes up for the 2,390 instructional minutes for which the school was penalized. Additionally, Aspire enacted a policy in January 2008 to ensure that all teachers are properly credentialed.

Pursuant to Education Code Section 33050, OUSD, as authorizer of Millsmont Academy, must submit this waiver request on behalf of the school. Staff recommends that the State Administrator and /or the Board of Education pursuant to Education Code Section 47612.6, and as documented herein, submit a

Request for a Specific Waiver of Education Code Section 47612.5, which if granted, will result in no loss of apportionment for Millsmont Academy for its audit finding regarding instructional minutes.

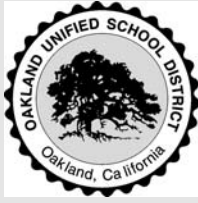
FISCAL IMPACT

The adoption of the Request by the District and granting of the Waiver by the State Board of Education will allow Millsmont to maintain apportionment and will not have a negative fiscal impact on the District.

RECOMMENDATION:

Conduct Public Hearing and Adoption of Resolution 0708-0228 - Request To the California State Board of Education for Specific Waiver of Education Code Section 47612.5 Pertaining To Minimum Length of Instructional Minutes and/or Instructional Day Regarding Pupils at Millsmont Academy for Fiscal Year 2006-2007.

Attachments: Resolution No. 0708-0228
California Department of Education Specific Waiver Request Form CSIMR-1
Supporting Documentation from Aspire Public Schools



OAKLAND UNIFIED SCHOOL DISTRICT

Office of the State Administrator

1025 Second Avenue, Room 301

Oakland, CA 94606

Phone (510) 879-8200

Fax (510) 879-8800

**RESOLUTION
OF THE
STATE ADMINISTRATOR
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 0708-0228

Request To the California State Board of Education for Specific Waiver of Education Code Section 47612.5 Pertaining To Minimum Length of Instructional Minutes and/or Instructional Day Regarding Pupils at Millsmont Academy for Fiscal Year 2006-2007

WHEREAS, Aspire Public Schools (“Aspire”) operates Millsmont Academy, a charter school authorized by the Oakland Unified School District (“The District”); and

WHEREAS, Education Code Section 47612.6 provides that the State Board of Education may waive fiscal penalties calculated pursuant to subdivision (c) of Section 47612.5 for a charter school that fails to offer the minimum number of instructional minutes required pursuant to subdivision (a) of section 47612.5 for the fiscal year; and

WHEREAS, the 2006-2007 Millsmont Academy Fiscal Year audit found that a teacher was not properly credentialed and therefore apportionment penalties could be assessed for a deficit of 2,390 instructional minutes; and

WHEREAS, to waive this reduction in apportionment, District/Millsmont Academy is requesting a Specific Waiver of Education Code Section 47612.5; and

WHEREAS, Aspire Public Schools has provided the required background documentation supporting its request, including required documentation that Millsmont Academy offered an excess of 8,245 instructional minutes in Fiscal Year 2007-2008 to make up for 2,390 instructional minutes for which the school was penalized; and

WHEREAS, Education Code Sections 33050-33053 provide for the charter school authorizing entity - Oakland Unified School District - to request that the State Board of Education waive sections of California Education code or implementing regulations on behalf of a charter school; and

WHEREAS, the request by the District for and granting of the Waiver by the State Board of Education will allow Millsmont to collect apportionment, which they would otherwise be denied; and

**RESOLUTION
OF THE
STATE ADMINISTRATOR
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 0708-0228

Request To the California State Board of Education for Specific Waiver of Education Code Section 47612.5 Pertaining To Minimum Length of Instructional Minutes and/or Instructional Day Regarding Pupils at Millsmont Academy for Fiscal Year 2006-2007

Page 2 of 2

WHEREAS, the request by the District and granting of the Waiver by the State Board of Education will not have a negative fiscal impact on, or otherwise harm, the District; and

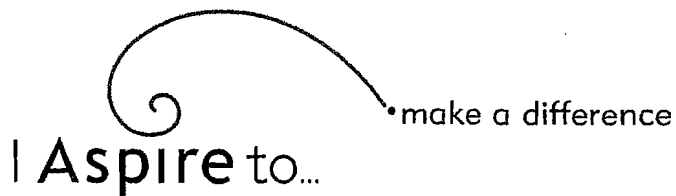
WHEREAS, at its June 25, 2008 meeting, the State Administrator and/or Board of Education held a public hearing on said Waiver request,

NOW, THEREFORE, BE IT RESOLVED, the State Administrator hereby approves the Request To the California State Board of Education for Specific Waiver of Education Code Section 47612.5 Pertaining To Minimum Length of Instructional Minutes and/or Instructional Day Regarding Pupils at Millsmont Academy for Fiscal Year 2006-2007, incorporated herein by reference as though fully set forth and authorizes the submission of same with requisite supporting documentation.

I hereby certify that the foregoing is a true, accurate, and complete copy of a Resolution adopted by the State Administrator at a Special Meeting of the State Administrator and/or the Board of Education of the Oakland Unified School District on this 8th day of July, 2008, in Oakland, CA.


Edgar Rakestraw, Jr.

Secretary, State Administrator and
Board of Education
Oakland Unified School District



May 5, 2008

Vincent Matthews
Oakland Unified School District
1025 2nd Ave.
Oakland, CA 94606

Re: Corrective Action for 2006-2007 audit findings

Dear Mr. Matthews,


On the 2006-2007 audit finding 06-2 for Aspire Public Schools, our auditors Gilbert and Associates found that several teachers at our schools were not properly credentialed, and therefore apportionment penalties could be assessment by the CDE as per Sections 47612.5 (a)(1) and 47612.5 (c) of the Ed Code. We offer that this reduction in apportionment should be waived as per the provisions of Ed Code 47612.6.

Aspire Public Schools is currently appealing all teacher credentialing penalties for charter schools on various legal and practical grounds to the CDE. While not releasing these claims or in any way limiting the arguments and tools available to us in this process, several of the potential penalties identified in our FY2006-2007 Audit (section 06-2) may be easily waived under the provisions of 47612.6. The finding applies to two different schools operated by Aspire Public Schools – Lionel Wilson College Preparatory Academy & Millsmont Academy.

Lionel Wilson College Preparatory Academy:

Lionel Wilson College Preparatory Academy (Wilson Prep) satisfies the instructional minute requirement, as it currently (FY2007-2008) offers 69,470 instructional minutes, which is 4,670 more than the minimum in 47612.5(a)(1) of 64,800. Thus, the penalties of 1,859 minutes cited in Aspire's audited financial statements for the period ended June 30, 2007 will be made up in FY2008-2009 and FY2009-2010 with credentialed teachers. This satisfies the requirements for the waiver as outlined in 47612.6. We have provided the following supporting documentation:

- The current FY2007-2008 schedule of instructional minutes for grades 9-12 at Wilson Prep

 • make a difference
I Aspire to...

- In January 2008, Aspire enacted a policy to ensure that all teachers are properly credentialed. A copy of the policy is attached for your review under the Response to Teacher Credentialing/Instructional Time Audit Finding.
- Board Consent minutes approving the Waiver Request.
- The CDE General Waiver Request form for this school.

✓ Millsmont Academy:

Millsmont Academy satisfies this requirement, as it currently (FY2007-2008) offers 62,245 instructional minutes for grade 7, which is 8,245 more than the minimum in 47612.5(a)(1) of 54,000. Thus, the penalty of 2,390 minutes for the 7th grade teacher cited will be made up in FY08 and FY09 with credentialed teachers. This satisfies the requirements for the waiver as outlined in 47612.6. We have provided the following supporting documentation:

- The current FY2007-2008 schedule of instructional minutes for grade 7 at Millsmont Academy, which was the affected grade.
- In January 2008, Aspire enacted a policy to ensure that all teachers are properly credentialed. A copy of the policy is attached for your review under the Response to Teacher Credentialing/Instructional Time Audit Finding.
- .
- Board Consent minutes approving the Waiver Request.
- The CDE General Waiver Request form for this school.

Please feel free to contact myself should you have any more questions or require more information regarding these waiver requests. Thank you for your prompt attention to this matter, we look forward to a speedy resolution.

Sincerely,



Michael Barr
Chief Financial Officer
Aspire Public Schools

**Charter Schools
 Instructional Minute Requirements
 Waiver of Audit Penalty**

Send Original plus one copy to:
 Waiver Office, California Department of Education
 1430 N Street, Suite 5602
 Sacramento, CA 95814

Faxed originals will not be accepted!

| CDS CODE | | | | | | |
|----------|---|---|---|---|---|---|
| 0 | 1 | 0 | 8 | 8 | 0 | 3 |

| | | | | | | | | |
|--|--|-------------------|--|----------------|--|--|--|--|
| Local educational agency: Millsmont Academy | | | Phone contact and recipient of approval/denial notice: (510) 434-5021 Jessica Stinson | | | Contact person's e-mail address: Jessica.stinson@aspirepublicschools.org | | |
| Address: 1001 22 nd Ave. Suite 100 | | (City) Oakland | (State) CA | (ZIP) 94606 | Phone (and extension, if necessary): (510) 434-5021 | | | |

| | | | | | | |
|---|--|--------------|---------------------------------------|------------|--|--|
| *Period of request: (month/day/year) | | | Local board approval date: (Required) | | | |
| From: 07/01/06 | | To: 06/30/07 | | 02/20/2008 | | |
| *NOTE: Use the fiscal year of the audit finding | | | | | | |

LEGAL CRITERIA

Authority for the waiver:
Education Code (EC) Section 47612.6. (a) The State Board of Education may waive fiscal penalties calculated pursuant to subdivision (c) of Section 47612.5 for a charter school that fails to offer the minimum number of instructional minutes required pursuant to subdivision (a) of Section 47612.5 for the fiscal year.

1. Education Code or California Code of Regulations
 Section to be waived: *Education Code (EC) Section 47612.5. (c) A reduction in apportionment made pursuant to subdivision (a) shall be proportional to the magnitude of the exception that causes the reduction. For purposes of paragraph (1) of subdivision (a), for each charter school that fails to offer pupils the minimum number of minutes of instruction specified in that paragraph, the Superintendent shall withhold from the charter school's apportionment for average daily attendance of the affected pupils, by grade level, the sum of that apportionment multiplied by the percentage of the minimum number of minutes of instruction at each grade level that the charter school failed to offer.*

2. Required attachments:
 Following is a list of additional documentation to be enclosed with the waiver request.

- Copy of the final audit finding showing penalty amount and shortage information, and your response to the audit finding.
- Explain:
 - Why shortage occurred (attach calendars as indicated in #3)
 - Number of minutes short
 - Number and grade level of students affected
 - How many grade levels you serve (to be able to follow affected students for two-years)

District or county certification – I hereby certify that the information provided on this application is correct and complete.

| | | |
|--|--------|-------|
| Signature of superintendent or designee: | Title: | Date: |
|--|--------|-------|

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

| | | |
|------------------------------------|------------------------------|-------|
| Staff Name (type or print): | Staff Signature: | Date: |
| Unit Manager (type or print): | Unit Manager Signature: | Date: |
| Division Director (type or print): | Division Director Signature: | Date: |
| Deputy (type or print): | Deputy Signature: | Date: |

Teacher Credentialing/Instructional Time Audit Finding

One teacher at Millsmont did not have a valid teaching credential to teach core subjects in the State of California, in accordance with Education Code 47605(1). In accordance with Education Code 47612.5, the minutes the teacher taught core subjects were disallowed in calculating the instructional minutes, causing the school to be in a deficit of the required instructional minutes for grade 7. The disallowed minutes of 12,900 were deducted from the total offered, which caused grade 7 to have a deficit of 2,390 minutes. The penalty calculated for the deficit minutes was \$7,535. The amount was not accrued as of June 30, 2007 as the Organization plans to apply for a waiver in accordance with Education Code 47612.6 which, if granted, will allow Millsmont to make up the deficit in grade 7 for the next two school years, 2007-08 and 2008-09.

Response to Teacher Credentialing/Instructional Time Audit Finding

The Organization continues to closely monitor the credentialing status of each of our teachers and continues to work towards full compliance with are requirements. The policy described below will take effect in January 2008:

- 1) As stated in Aspire's Credentialing Handbook and Offer Letter, it is a teacher's responsibility to maintain their professional credential. Whenever possible, the Aspire Home Office will remind a teacher and their Principal that their credential is due to expire, but ultimate responsibility remains with the teacher. Teachers should begin applying for their new credential at least 6 months before their current credential is due to expire.
- 2) All Aspire teachers are responsible for submitting the following before beginning their first day of teaching. Failure to fulfill the steps required will result in immediate reassignment to a non-classroom position or termination from employment at Aspire.
 - An official, valid copy of a California state credential
 - No Child Left Behind Certificate of Compliance
 - Official transcripts for proof of a bachelor's degree
 - Official proof of subject matter competency (via a California Commission on Teacher Credentialing-approved exam) or documentation of completion of the High, Objective, Uniform State Standards of Evaluation (HOUSSE) process.

If a new teacher does not have a credential by the first day of school, the Principal may choose to have the teacher fill out a Credential Contract with a deadline no later than 30 days after the start of school, acknowledging the possible financial impact on the school and hiring a credentialed substitute if necessary.

- 3) If a teacher allows their credential to lapse after the first day of school and they teach a core subject, a credentialed long-term substitute will be hired immediately. The regular classroom teacher will be designated as a Teaching Assistant in their own classroom, and 75% of the cost of the substitute will be subtracted from the teacher's salary until their valid credential renewal is submitted. It is at the Principal's discretion whether an uncredentialed teacher will be terminated or remain employed at Aspire in a non-teaching position, depending on the timeline to credential renewal.
- 4) Once Aspire discovers that a teacher is uncredentialed, the teacher has 3 days to complete a Credential Contract signed by their Principal and an Aspire Designee (Regional Vice President of Human Resources Representative). If the requirements are not met by the agreed upon deadline, the teacher will be reassigned to a non-classroom position or terminated from employment at Aspire.

Explanation of IM loss for Millsmont Academy

Reason occurred: One teacher did not hold a valid credential for the subjects they taught in the 7th grade. The reasons for this are below:

- This teacher was originally hired as a long-term substitute but the principal decided to hire this person as a full time teacher instead. Unfortunately, this person didn't have valid credentials for half of the year and the school had to deduct instructional minutes for the time this person was uncredentialed.

Number of minutes short: please refer to the audit finding.

Number & grade level of students affected: 31 students, 7th grade

Explanation for make-up: The school provides 8,245 minutes above the state minimum for the 7th grade class which is more than enough to makeup the loss of 2,390 minutes.

Attachments

1. 2007-08 calendar & bell schedules – the calendar & bell schedule is the standard for Millsmont Academy for every school year.
2. An instructional minute calculation is attached to show the total instructional minutes provided for the year and this is the standard for every year in the future.
3. The 2006-07 IM calculations are provided to show what the loss would be if we didn't apply for the waiver. This is also to show the shortage to be able to compare the makeup minutes we if were approved for the waiver.

MILLSMONT ACADEMY

2007-08 School Year

Student School Year Calendar

July

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | | | | |

July

Days of instruction: 0

August

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

August

13 - First Day of School

Days of instruction: 15

September

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | | | | | | |

September

3: Labor Day - No school
15: Saturday School
26, 27, 28: Student Led Conferences

Days of instruction: 19

October

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | | | |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |

October

1 - 5: Fall Break - No school
8: Regional Professional Development Day

Days of instruction: 17

November

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | | | | | | |

November

16: End of Trimester
19-23: Thanksgiving Holidays No School

Days of instruction: 17

December

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

December

8 - Saturday School

12/20 - 1/7: Winter Break - No School

Days of instruction: 13

January 2008

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | | |

January

12/20-1/7 - Winter Break - No school
4: Educator Planning Day
8: Classes resume
21: MLK Jr. Day-No school

Days of instruction: 17

February

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |

February

2/1: 100th day of instruction
15: Regional Professional Development Day
18: Presidents' Holiday
23: Saturday School

Days of instruction: 19

March

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

March

7: End of Trimester
12, 13, 14: Student-Led Report Card Conferences

3/24 - 3/31: Spring Break

Days of instruction: 15

April

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | | | | | | |

April

1: Classes resume

Days of instruction: 22

May

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

May

23 - 26: Memorial Holiday Weekend No School

Days of instruction: 20

June

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | | | | | | |

June

10: Last Day of CA 180 day SY

18: Last day of Aspire 190 day SY

Days of instruction: 13

Legend:

| | | |
|--|----------------------|-----|
| | Student School Days | 187 |
| | Saturday School Days | 3 |
| | Total School Days | 190 |

MILLSMONT ACADEMY

Regular Day Schedule

(OFFICE CLOSES AT 3:30 P.M.)

| | |
|----------------------------|-----------------------------------|
| 7:55 AM | Student arrival begins |
| 8:10 AM | Morning Assembly |
| 8:15 AM | Instruction begins |
| 9:45 AM - 10:00 AM | Grades K - 2 Recess begins |
| 10:00 AM – 10:15 AM | Grades 3 - 5 Recess begins |
| 11:55 AM – 12:30 PM | Grades K - 2 Lunch |
| 12:40 PM – 1:15 PM | Grades 3 - 5 Lunch |
| 3:00 PM | Playground dismissal Grades (all) |

Friday Early Dismissal Schedule

(OFFICE CLOSES AT 1:00 PM ON THIS DAY)

| | |
|---------------------|-----------------------------|
| 7:55 AM | Student arrival begins |
| 8:10 AM | Morning Assembly |
| 8:15 AM | Instruction begins |
| 9:45 AM - 10:00 AM | Grades K - 2 Recess begins |
| 10:00 AM – 10:15 AM | Grades 3 - 5 Recess begins |
| 12:30 PM | Playground dismissal (all)* |

****Bag lunches are served as students are dismissed***

**Aspire Public Schools
Millsmont Academy
Annual Instructional Minutes Calculation Worksheet**

School Site: Millsmont Academy
Grade Levels: K-8

Prepared By: Jessica Stinson

| | Kdng | Grades 1-3 | Grades 4-5 | Grades 6-8 |
|--|--------------|---------------|---------------|---------------|
| Regular Days (M-Th) | | | | |
| Start | 8:15 AM | 8:15 AM | 8:15 AM | 8:15 AM |
| End | 3:00 PM | 3:00 PM | 3:00 PM | 3:00 PM |
| Number of Hours | 6:45 | 6:45 | 6:45 | 6:45 |
| Total Number of Minutes | 405 | 405 | 405 | 405 |
| Less Recess | (15) | (15) | (15) | (15) |
| Less Lunch | (35) | (35) | (35) | (35) |
| Actual Daily Instructional Minutes | 355 | 355 | 355 | 355 |
| Number of Regular Days | 151 | 151 | 151 | 151 |
| Annual Minutes ~ Regular Days | 53605 | 53605 | 53605 | 53605 |
| Fridays | | | | |
| Start | 8:15 AM | 8:15 AM | 8:15 AM | 8:15 AM |
| End | 12:30 PM | 12:30 PM | 12:30 PM | 12:30 PM |
| Number of Hours | 4:15 | 4:15 | 4:15 | 4:15 |
| Total Number of Minutes | 255 | 255 | 255 | 255 |
| Less Recess | (15) | (15) | (15) | (15) |
| Less Lunch | 0 | 0 | 0 | 0 |
| Actual Daily Instructional Minutes | 240 | 240 | 240 | 240 |
| Number of Fridays | 36 | 36 | 36 | 36 |
| Annual Minutes ~ Fridays | 8640 | 8640 | 8640 | 8640 |
| Total Annual of Instructional Minutes | 62245 | 62245 | 62245 | 62245 |
| Total Instructional Days | 187 | 187 | 187 | 187 |

**Instructional Time Penalty Calculation
California Education Code Section 47612.5 - Charter Schools**

Notwithstanding any other provision of law and as a condition of apportionment, a charter school shall offer, at a minimum, the same number of minutes of instruction set forth in California Education Code Section 46201(a)(3) for the appropriate grade level

Penalty for Not Offering Required Minutes for Charter Schools

| | | |
|--|----|---|
| CDS Code: | | |
| Charter School Name: | | MMA - 7th Grade |
| School District Name: | | Oakland Unified |
| County: | | Alameda COE |
| Fiscal Year | | 2006-2007 |
| General Purpose Entitlement Rate (GPE) | \$ | 5,580 |
| Categorical Block Grant Rate (CBG) | \$ | 400 |
| ADA - Affected Pupils by Grade Level | | 28.47 |
| Number of required minutes* | | 54,000 |
| Number of minutes short | | 2,390 |

Determine the Number of Required Minutes*

Minutes as specified in EC 46201(a)(3):

| | |
|------|--------|
| K | 36,000 |
| 1-3 | 50,400 |
| 4-8 | 54,000 |
| 9-12 | 64,800 |

Instructional Time Penalty Calculation:

$$\begin{array}{rcl}
 \text{ADA} & \times & (\text{GPE} + \text{CBG}) = \text{Apportionment} \\
 28.47 & & \$ 5,980 \qquad \qquad \$170,250.60
 \end{array}$$

$$\begin{array}{rcl}
 \# \text{ of Minutes Short} \div \# \text{ of Required Minutes} & = & \text{Percentage of Minutes Not Offered} \\
 2390 & & 54000 \qquad \qquad 4.43\%
 \end{array}$$

$$\begin{array}{rcl}
 \text{Apportionment} & \times & \text{Percentage of Minutes Not Offered} = \text{Penalty} \\
 \$170,250.60 & & 4.43\% \qquad \qquad \qquad \$7,535
 \end{array}$$



Executive Committee Meeting Minutes

February 20th, 2008 (10:00 a.m. to 1:00 p.m.)

426 17th Street, Suite 200 Oakland, CA 94612-2820; 510-251-1660 x118 phone

Present: Beth Hunkapiller, Mel Kaplan, Steven Merrill, Dick Spalding, Don Shalvey

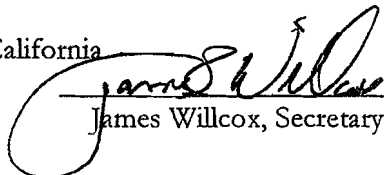
Guests: Renuka Kher, Rebecca DiBiase

Staff: Mike Barr, James Willcox

Call to order: 10:05 a.m.

- I. **Approval of Minutes:** Minutes from December 4th, 2007, and January 16th were unanimously approved. (Motion Merrill; Second Kaplan)
- II. **Approval of consent agenda: Consent agenda was unanimously approved** (Motion Kaplan; Second Merrill)
 - A. Consolidated Applications Part II
 - B. Instructional minutes penalty waivers
 - C. Hazardous Communication Program
- III. **CEO comments:** CEO Don Shalvey briefed the board on upcoming statewide oversight visit, Monarch Academy's recent receipt of the National Title I award, and an update on fundraising with local foundations.
- IV. **Public comments:** No members of the public were present.
- V. **Governance committee report:** The Executive Committee agreed that the Governance report has accurately named the most important topics for board discussion, and that all are both open-ended and strategic. The Executive Committee suggested that the issues of sustainability and impact be separate, but related discussions, and agreed that sustainability and the statewide litigation strategy are high priority topics.
- VI. **Reports of the CEO/Staff:**
 - A. **Facilities Q&A:** James Willcox, COO, briefed the board on the memo provided in advance of the meeting on current facilities opportunities.
 - B. **State budget update:** Mike Barr, CFO, briefed the board on the current status of the state budget crisis and education funding levels.
 - C. **Secondary School "Must Achieves" update:** Don Shalvey, CEO, briefed the Executive Committee on the status of deliverables for the 2007-2008 school year for the Aspire secondary school program.
- VII. **Adjourn to closed session:** The Board convened to closed session at 12:00pm. The Board reconvened at 12:57pm.
- VIII. **Agenda setting:** Requested agenda items were state lawsuit update, sustainability (first round discussion and definitions), and a budget update.
- IX. **Adjournment:** The meeting was adjourned at 1:05 pm

Approved this 11th day of March 2008 at Oakland, California


James Willcox, Secretary