

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JANUARY 2004 AGENDA
Item No. W-12

TITLE: Request by Santa Monica-Malibu Unified School District to waive <i>Education Code</i> (EC) Section 46202, because they offered less than the required 1982-83 minutes for fiscal year 2001-2002 at Muir Elementary School due to a shortage of 310 instructional minutes. CDSIS: 2-10-2003	<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT
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RECOMMENDATION:

The Department recommends approval on the condition that the district maintain increased instructional time at **Muir Elementary School** in grades one through three for a period of two years from the required 53,100 minutes per year to 53,410 minutes per year (53,100 plus the 310 minutes short) for a period of two years beginning in 2002-2003 and continuing through 2003-2004, and report the increase in its yearly audits.

Summary of Previous State Board of Education Discussion and Action:

On January 1, 2002, with SB 178, the existing EC authority, Section 46206 was repealed, and a new Section 46206 added to the EC. In the fall of 2002, AB 1227 was passed by the Legislature and signed into law by the Governor. It authorizes waivers to be granted for fiscal penalties created by shortfalls of instructional time in the 2000-01 fiscal year or thereafter only if the makeup minutes or days, or both, are commenced not later than the school year following the year in which the waiver is granted and removes the 900-minute restriction for waivers of this type.

Summary of Key Issue(s):

The Santa Monica-Malibu Unified School District requests a waiver of EC Section 46202, the requirement that the district offered at least the number of minutes as offered in 1982/83. In 2001-2002 school year, Muir Elementary offered less than the 1982-1983 minutes by 310 minutes, although the state minimum requirement was met. The penalty in this case is \$64,103.22.

The district has adjusted their bell schedules and has already begun to make up the instructional minutes starting in school year, 2002-2003. Therefore, the Department recommends approval on the condition that the district maintain increased instructional time at **Muir Elementary School** in grades one through three for a period of two years from the required 53,100 minutes per year to 53,410 minutes per year (53,100 plus the 310 minutes short) for a period of two years beginning in 2002-2003 and continuing through 2003-2004, and report the increase in its yearly audits.

Authority for the waiver: 46202

Bargaining unit(s) consulted on: Bargaining Units not formally consulted as they have already been making up the extra minutes since the beginning of the 02/03 school year

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative:

Local board approval date: 04/03/03

Effective dates of request: July 1, 2001 through June 30, 2002

Fiscal Analysis (as appropriate):

- The repayment amount for offering less than the 1982-83 minutes per Education Code Section 46202, as required by law is: 2282.4 (Affected ADA) times \$4,810.84 (Base Revenue Limit) equals \$10,980,261.22 (Apportionment). 310 (Number of minutes short) divided by 53,100 (Number of required minutes) equals 0.005838041 (Percentage). \$10,980,261.22 (Apportionment) times .58% (Percentage) equals **\$64,103.22 (Penalty)**.

Background Information:

Waiver request forms and supporting documents are attached to this summary.