

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JULY 2003 AGENDA**  
**Item No. W-10**

<p><b>TITLE:</b> Request by <b>Holt Union Elementary School District</b> to waive <i>Education Code</i> (EC) Section 46202(b), for falling below the 1982/83 offered number of minutes at during the 2001-2002 fiscal year.</p> <p><b>CDSIS:</b> 28-4-2003</p>	<p><u>  <b>X</b>  </u> <b>ACTION</b></p> <p><u>      </u> <b>INFORMATION</b></p> <p><u>      </u> <b>PUBLIC HEARING</b></p> <p><u>      </u> <b>CONSENT</b></p>
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**RECOMMENDATION:**

The Department recommends approval on the condition that the district maintains increased instructional time at Holt Union School to 62,215 minutes (61,170 minutes plus the 1,045 minutes short in fiscal year 2001-2002) for a period of two years, beginning in fiscal year 2003-2004 and continuing through 2004-2005 and reports the increase in its annual audits.

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**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On January 1, 2002, with SB 178, the existing *EC* authority, Section 46206 was repealed, and a new Section 46206 added to the *EC*.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. All waivers must go to action on the SBE's agenda.

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

**Holt Union Elementary School District** requests a waiver of *Education Code* (EC) Section 46202(b), for falling below the 1982/83 offered number of minutes at Holt Union School. Unfortunately, the district did not take into account the 1982/83 minimum instructional minutes of 61,170 when they included a daily ten-minute recess before physical education instruction for grades 4-6. On top of which, they scheduled too many minimum days for II/USP collaborative meetings. All of this resulted in the district falling below the 1982/83 instructional minutes by 1,045 minutes in fiscal year 2001-2002 for grades 4-6.

Therefore, the Department recommends approval on the condition that the district maintains increased instructional time at Holt Union School to 62,215 minutes (61,170 minutes plus the 1,045 minutes short in fiscal year 2001-2002) for a period of two years, beginning in fiscal year 2003-2004 and continuing through 2004-2005 and reports the increase in its annual audits.

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Authority for the waiver: 46206

Bargaining unit(s) consulted on: N/A

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: N/A

Local board approval date: 03/03/03

Effective dates of request: 08/27/01 to 06/07/02

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**Fiscal Analysis (as appropriate):**

- The repayment amount for offering less than the 1982-83 minutes for grades 4-6 at Holt Union School per *Education Code* (EC) Section 46202 as required by law is: 55.95 (Affected ADA) times \$5,073.09 (Base Revenue Limit) times 1 (Deficit Factor) equals \$283,839.39 (Apportionment). 1,045 (number of minutes short) divided by 61,170 (Required number of minutes) equals 0.017083537. \$283,839.39 (Apportionment) times 1.71% (Percentage) equals \$4,848.98.
- The total fiscal penalty is **\$4,848.98**.

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**Background Information:**

Waiver request forms and supporting documents are attached.