

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JULY 2003 AGENDA
Item No. W-12

<p>TITLE: Request by Las Virgenes Unified School District to waive <i>Education Code</i> (EC) Sections 46201(d) and 46200(c), the longer day instructional time penalty and the requirement of 180 days of instruction for the 2001-2002 school year for Lupin Hill Elementary School.</p> <p>CDSIS: 19-5-2003</p>	<p><input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT</p>
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RECOMMENDATION:

The Department recommends approval on the condition that the district maintain increased instructional time at **Lupin Hill Elementary School** kindergarten grade for a period of two years from the required 36,000 minutes per year to 38,000 minutes per year (36,000 plus the 200 minutes short) and increase the number of instructional days from 180 days to 181 days (to makeup up the one day shortage) for a period of two years beginning in 2003-2004 and continuing through 2004-2005, 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On January 1, 2002, with SB 178, the existing *EC* authority, Section 46206 was repealed, and a new Section 46206 added to the *EC*.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. All waivers must go to action on the SBE's agenda.

Summary of Key Issue(s):

Las Virgenes Unified School District requests a waiver of *Education Code* (EC) Section 46201(c), the longer day instructional time penalty, which states that thirty-six thousand minutes of instructional time must be offered in at the kindergarten level. The district also requests a waiver of *Education Code* (EC) Section 46200(c), the requirement of 180 days of instruction. In fiscal year 2001-2002, **Lupin Hill Elementary School** delayed the start of school by one day due to a failure in the water system that could not be immediately repaired. The district tried to secure an emergency waiver due what they thought constituted a health and safety issue at the school but were turned down by the Department. Therefore, the district failed to meet the requirement of 36,000 kindergarten instructional minutes by 200 minutes, in addition to being one day short of the required 180 days. **The penalty is this case is \$33,778.67.**

However, the department recommends approval on the condition that the district maintain increased instructional time at **Lupin Hill Elementary School** for a period of two years from the required 36,000 minutes per year to at least 38,000 minutes per year (38,000 plus the 200 minutes short) and increase the number of instructional days from 180 days to 181 days (to makeup up the one day shortage) for a period of two years beginning in 2003-2004 and continuing through 2004-2005, and report the increase in its yearly audits.

Authority for the waiver: 46206

Bargaining unit(s) consulted on: 03/07/03

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: Sandra Pope

Local board approval date: 04/08/03

Effective dates of request: 07/01/01 to 06/30/02

Fiscal Analysis (as appropriate):

- The repayment amount for offering less than the 180 days per *Education Code* Section 46200(c), as required by law is: 657 (Affected ADA) times \$4,608.78 (Base Revenue Limit) equals **\$16,956.62 (Penalty)**.
- The repayment amount for offering less than the 1986-87 minutes per Education Code Section 46201(d), as required by law is: 657 (Affected ADA) times \$4,608.78 (Base Revenue Limit) equals \$3,027,968.46 (Apportionment). 200 (Number of minutes short) divided by 36,000 (Number of required minutes) equals 0.005555556 (Percentage). \$3,027,968.46 (Apportionment) times 0.56% (Percentage) equals **\$16,822.05 (Penalty)**.
- Combined penalties equal **\$33,778.67**.

Background Information:

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