



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

Specific Waiver

SUBJECT Request by Albany Unified School District to waive Education Code (EC) Section 46202(b), the longer day incentive program penalty for offering less instructional time in the 2002-2003 fiscal year than what the district offered in 1982-1983, at Albany High School (shortfall of 8,065 minutes) Waiver Number: 178-3-2004	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

Approval Approval with conditions Denial

That the district maintain increased instructional time at Albany High School in grades 9 through 12 from the required 64,800 minutes per year to 72,865 minutes per year (64,800 plus the 8,065 minutes short) 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

The SBE has approved similar requests with conditions. EC section 46206 authorizes waivers to be granted for fiscal penalties as a result of a shortfall in instructional time. This section of the Education Code is very prescriptive and states that a waiver may only be granted upon the condition that the school or schools in which the minutes, days, or both, were lost, maintain minutes and days of instruction equal to those lost in addition to the amount for twice the number of years that it failed to maintain the required minimum length of time for the instructional school year, minimum number of instructional days for the school year following the year, or both. The instructional time has to be made up beginning not later than the school year following the year in which the waiver was granted and continue for each succeeding school year until the condition is satisfied.

SUMMARY OF KEY ISSUES

The Albany Unified School District requests a waiver of EC section 46202(b) for falling below the 1982-1983 offered number of minutes at Albany High School during the 2002-2003 school year. As specified in EC section 46201, districts must offer the greater of the amount of instructional time offered in 1982-1983 or the minimum required in 1986-1987.

The district failed to offer a seventh period to their ninth graders creating a shortage of 8,065 instructional minutes for the 2002-2003 school year. Following the auditor's report, the district consulted with the California Department of Education and revised their bell schedules and added a seventh period and began to make up the lost

Albany Unified School District, Page 2

instructional time in 2003-2004. A copy of their revised bell schedule is attached. The penalty in this case is \$164,207.20.

Therefore, the department recommends approval of this waiver with the condition that the district maintain increased instructional time at Albany High School in grades 9 through 12 from the required 64,800 minutes per year to 72,865 minutes per year (64,800 plus the 8,065 minutes short) for a period of two years beginning in 2004-2005 and continuing through 2005-2006, and report the increase in its yearly audits.

Authority for the Waiver: 46206

Bargaining unit(s) consulted on date(s): February 23, 2004, February 23, 2004 and February 26, 2004

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

Neutral Support Oppose

Name of bargaining unit(s)/representative(s): N. Schiller, ATA, M. Guiton, CSEA, and A. Douglas, SEIU

Local board approval date(s): March 23, 2004

Period of request: July 1, 2002 to June 30, 2003

FISCAL ANALYSIS (AS APPROPRIATE)

The repayment amount as required by law is: 277.62 (Affected Daily Attendance) times \$4,752.39 (Base Revenue Limit) equals \$1,319,358.51 (Apportionment). 8,065 (Number of minutes short) divided by 64,800 (Required Number of Minutes) equals 0.124459877 (Percentage). \$ 1,319,358.51 (Apportionment) times 12.45% (Percentage) equals \$164,207.20 (Penalty). The district is requesting that the full penalty be waived.

BACKGROUND INFORMATION

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