



# CALIFORNIA STATE BOARD OF EDUCATION

## JULY 2004 AGENDA

**Specific Waiver**

<b>SUBJECT</b>  Request by <b>Pleasant Valley Joint Union Elementary School District</b> to waive <i>Education Code</i> (EC) Section 46202(b), the longer day incentive program penalty for offering less time in the 2002-2003 fiscal year than what the district offered in 1982-1983 at <b>Pleasant Valley School</b> (shortfall of 300 minutes).  Waiver Number: 66-2-2004	<input checked="" type="checkbox"/> <b>Action</b>
	<input type="checkbox"/> <b>Consent</b>

### RECOMMENDATION

Approval     Approval with conditions     Denial

That the district maintain increased instructional time at Pleasant Valley Elementary School in grades 4 through 6 from the required 55,440 minutes per year to 55,740 minutes per year (55,440 plus the 300 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 Pleasant Valley Joint Union School District requests a waiver of EC section 46202(b), the longer day incentive program penalty, which states that minutes of instructional time must be offered at the appropriate level. During the 2002-2003 school year, the district used the 1986-1987 instructional minutes for Pleasant Valley School for the fourth through sixth grades. This created a shortage of 300 instructional minutes since the minutes for 1986-1987 are below the minutes from 1982-1983. EC section 46202(b) states that a penalty is created if a district offers less than the required minutes from 1982-1983 or 1986-1987 which ever is greater. The penalty in this case is \$996.48.

**Pleasant Valley Joint Union School District, Page 2**

In December of 2003, the district discovered the errors and changed the school calendar to reflect the correct number of instructional minutes in the affected grades. The district has already begun to make-up the shortage of instructional minutes in those grades.

Therefore, the department recommends approval of this waiver on the condition that the district maintain increased instructional time at Pleasant Valley Elementary School in grades 4 through 6 from the required 55,440 minutes per year to 55,740 minutes per year (55,440 plus the 300 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.

**Authority for the Waiver:** 46206

**Bargaining unit(s) consulted on date(s):** 12/04/03

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

Neutral                       Support                       Oppose

**Name of bargaining unit(s)/representative(s):** Karen Marino, EAPV President

**Local board approval date(s):** February 11, 2004

**Period of request:** 7/1/02 to 6/30/03

**FISCAL ANALYSIS (AS APPROPRIATE)**

The repayment amount as required by law is: 38.8 (Affected Daily Attendance) times \$4,746.12 (Base Revenue Limit) equals \$184,149.46 (Apportionment). 300 (Number of minutes short) divided by 55,440 (Required Number of Minutes) equals 0.005411255 (Percentage). \$184,149.46 (Apportionment) times 0.54% (Percentage) equals \$996.48 (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.