



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

Specific Waiver

<p>SUBJECT</p> <p>Request by Big Oak Flat-Groveland Unified School District to waive Education Code (EC) Section 46202(b) the longer day instructional time penalty for falling below the minutes set in 1986-87 in the 2002-2003 fiscal year for Kindergarten at Tenaya Elementary School (shortfall of 2,300 minutes).</p> <p>Waiver Number: 107-4-2004</p>	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

Approval Approval with conditions Denial

That the district maintain increased instructional time at Tenaya Elementary School in kindergarten from the 36,000 required minutes per year to 38,320 minutes per year (36,000 plus the 2,320 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 Big Oak Flat-Groveland Unified School District is requesting to waive EC section 46202(b), the instructional time penalty for Tenaya Elementary School where the minutes fell below the 36,000 required kindergarten minutes by 2,320.

The district incorrectly calculated the number of minutes for the kindergarten class by reducing the daily instructional minutes without taking into consideration the minimum days throughout the school year. The error was not discovered until April of 2003, which was too late in the school year to add enough minutes to the schedule to make-up the time and not incur an audit finding. The district adjusted the schedule beginning in the 2003-2004 school year, increasing the number of minutes for the kindergarten to 38,700, which is above the required increase of 38,320. The penalty for this error is

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\$11,157.91. The district has begun to make-up the minutes for the kindergarten class in school year 2003-2004 and has institutionalized changes to ensure that this error does not get repeated in the future.

Therefore, the department recommends approval of this waiver request on the condition that the district maintain increased instructional time at Tenaya Elementary School in kindergarten from the 36,000 required minutes per year to 38,320 minutes per year (36,000 plus the 2,320 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): 03/11/04

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

Neutral

Support

Oppose

Name of bargaining unit(s)/representative(s): Jane Townsend, Stephanie Schultz
Local board approval date(s): 04/14/04

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

FISCAL ANALYSIS (AS APPROPRIATE)

The repayment amount as required by law is: 33.93 (Affected Daily Attendance) times \$5,102.86 (Base Revenue Limit) equals \$173,140.04 (Apportionment). 2,320 (Number of minutes short) divided by 36,000 (Required Number of Minutes) equals 0.064444444 (Percentage). \$173,140.04 (Apportionment) times 6.44% (Percentage) equals \$11,157.91 (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.