



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

Specific Waiver

<p>SUBJECT</p> <p>Request by Rio Elementary 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 for grades 1-6 in the 2002-2003 fiscal year at five schools in the district: Rio Del Norte, El Rio, Rio Linda, Rio Plaza, and Rio Real (shortfall of 550 and 520 minutes).</p> <p>Waiver Number: 109-4-2004</p>	<p><input checked="" type="checkbox"/> Action</p>
	<p><input type="checkbox"/> Consent</p>

RECOMMENDATION

Approval Approval with conditions Denial

That the district maintain increased instructional time at those five schools in grades 1-3 from the required 51,550 minutes per year to 52,100 minutes per year (51,550 plus the 550 minutes short) and in grades 4-6 from the required 54,010 minutes per year to 54,530 per year (54,010 plus the 520 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.

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 Rio Elementary School District requests a waiver of the instructional time penalty for failing to offer the required number of minutes at five out of seven schools in the district: El Rio, Rio del Norte, Rio Lindo, Rio Plaza, and Rio Real.

Specifically, the district offered less than the required 1986-1987 instructional minutes in 2002-2003 by incorrectly adjusting the bell schedules during the middle of the school year. As soon as the errors were discovered in January of 2003, the district increased the instructional minutes to the correct levels plus added time to cover the lost

Rio Elementary School District, Page 2

instructional minutes. The district has corrected adjusted all of the bell schedules. The total combined penalty is \$115,453.83.

Therefore, the department recommends approval of this waiver on the condition that that the district maintain increased instructional time at Rio Del Norte, El Rio, Rio Lindo, Rio Plaza, and Rio Real schools in grades 1 through 3 from the required 51,550 minutes per year to 52,100 minutes per year (51,550 plus the 550 minutes short) and in grades 4 through 6 from the required 54,010 minutes per year to 54,530 per year (54,010 plus the 520 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): 02/02/04

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

Neutral

Support

Oppose

Name of bargaining unit(s)/representative(s): Rebecca Barbetti, President

Local board approval date(s): 02/17/04

Period of request: 07/01/02 to 01/01/04

FISCAL ANALYSIS (AS APPROPRIATE)

For grades 1 through 3, the repayment amount as required by law is: 1,246 (Affected Daily Attendance) times \$4,509.57 (Base Revenue Limit) equals \$5,618,924.22 (Apportionment). 550 (Number of minutes short) divided by 51,550 (Required Number of Minutes) equals 0.01067 (Percentage). \$5,618,924.22 (Apportionment) times 1.067% (Percentage) equals \$59,953.92 (Penalty). The district is requesting that the full penalty be waived.

For grades 4 through 6, the repayment amount as required by law is: 1278 (Affected Daily Attendance) times \$4,509.57 (Base Revenue Limit) equals \$5,763,230.46 (Apportionment). 520 (Number of minutes short) divided by 54,010 (Required Number of Minutes) equals 0.009627847 (Percentage). \$5,763,230.46 (Apportionment) times 0.96% (Percentage) equals \$55,499.91 (Penalty). The district is requesting that the full penalty be waived.

The total combined penalty is \$115,453.83.

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.