



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

Specific Waiver

<p>SUBJECT Request by Westside Elementary School District to waive <i>Education Code (EC) Section 46202(b)</i>, the longer day instructional time penalty for falling below the minutes set in 1986-87 for grades 4-8 in the 2002-2003 fiscal year at Westside Elementary School (shortfall of 4,905 minutes).</p> <p>Waiver Number: 161-3-2004</p>	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

Approval Approval with conditions Denial

That the district maintain increased instructional time at Westside Elementary School in grades 4 through 6, from the required 60,375 minutes per year to 65,280 minutes per year (60,375 plus the 4,905 minutes short) and in grades 7 through 8 from the required 60,375 minutes per year to 65,070 minutes (60,375 plus the 4,695 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 Westside Elementary 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. The district miscalculated instructional minutes at the district's only school site by including passing time and by increasing the number of minimum days from two days a month to one day a week. The total amount of the penalty for all grades is \$65,218.13. These errors substantially increased the amount of time that the district is short in grades four through eight. However, the district has corrected the way that the instructional time is calculated at all grade levels in order to prevent errors from occurring in the future and district personnel understand

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that they must maintain the instructional time beyond the 1986/1987 levels. The district submitted copies of the annual instructional minutes schedules for 2004-2005 and 2005-2006 to demonstrate what how they were going to make-up for the shortages in 2002-2003 (see attached).

Therefore, the department recommends approval on the condition that the district maintain increased instructional time at Westside Elementary School in grades 4 through 6, from the required 60,375 minutes per year to 65,280 minutes per year (60,375 plus the 4,905 minutes short) and in grades 7 through 8 from the required 60,375 minutes per year to 65,070 minutes (60,375 plus the 4,695 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 24, 2004, March 4, 2004 and March 8, 2004

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

Neutral

Support

Oppose

Name of bargaining unit(s)/representative(s): Nancy Braner, Vicki Tarvin and Stephanie Chavez

Local board approval date(s): March 9, 2004

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

FISCAL ANALYSIS (AS APPROPRIATE)

For grades 4 through 6, the repayment amount as required by law is: 107.64 (Affected Daily Attendance) times \$4,510.31 (Base Revenue Limit) equals \$485,489.77 (Apportionment). 4,905 (Number of minutes short) divided by 60,375 (Required Number of Minutes) equals 0.08124 (Percentage). \$485,489.77 (Apportionment) times 8.124% (Percentage) equals \$39,442.27 (Penalty). The district is requesting that the full penalty be waived.

For grades 7 through 8, the repayment amount as required by law is: 73.49 (Affected Daily Attendance) times \$4,510.31 (Base Revenue Limit) equals \$331,462.68 (Apportionment). 4,695 (Number of minutes short) divided by 60,375 (Required Number of Minutes) equals 0.077763975 (Percentage). \$331,462.68 (Apportionment) times 7.78% (Percentage) equals \$25,775.86 (Penalty). The district is requesting that the full penalty be waived.

The total amount of the penalty for all grades is: \$65,218.13

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