

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**JUNE 2003 AGENDA**  
**Item No. W-7**

<p><b>TITLE:</b> Request by <b>Victor Valley Union High School District</b> for fiscal year 2001-2002 to waive <i>Education Code (EC)</i> Section 46202, the penalty for offering less time than what the district offered in 1982-1983, at the seventh through eighth grades at Hook Junior High School, Cobalt Middle School, and Victor Valley Junior High School.</p> <p><b>CDSIS:</b> 10-02-2003</p>	<p><u>  X  </u> <b>ACTION</b></p> <p><u>      </u> <b>INFORMATION</b></p> <p><u>      </u> <b>PUBLIC HEARING</b></p> <p><u>      </u> <b>CONSENT</b></p>
---	--

**RECOMMENDATION:**

The Department recommends approval on the condition that the district increase instructional time at **Hook Junior High School, Cobalt Middle School and Victor Valley Junior High School** to 62,736 minutes per year (62,480 minutes plus the 256 minutes short in fiscal year 2001-2002) 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:**

On January 1, 2002, with SB 178, the existing *EC* authority, Section 46206 was repealed, and a new Section 46206 added to the *EC*. In the fall of 2002, AB 1227 was passed by the Legislature and signed into law by the Governor. It authorizes waivers to be granted for fiscal penalties created by shortfalls of instructional time **in the 2000-01 fiscal year** or thereafter only if the makeup minutes or days, or both, are commenced not later than the school year following the year in which the waiver is granted and removes the 900 minute restriction for waivers of this type. All waivers must go to action on the SBE's agenda.

---

**Summary of Key Issue(s):**

**Victor Valley Union High School District** requests a waiver of *EC* Section 46202, the penalty for offering less instructional time than offered in 1982-1983, which was sixty two thousand four hundred and eighty minutes of instructional time that must be offered in grades fourth through eighth. In fiscal year 2001-02, Hook Junior High School and Victor Valley Junior High School failed to meet their requirement of 62,480 minutes by 256 minutes. **These findings equal a fiscal penalty for fiscal year 2001-2002 of \$44, 515.**

The department is recommending approval on the following condition: beginning in fiscal year 2003-04, and continuing through fiscal year 2004-05, the school will make up the shortage by offering 62,736 total instructional minutes (62,480 minutes plus 256 minutes short from fiscal year 2001-2002) at **Hook Junior High School, Cobalt Middle School, and Victor Valley Junior High School** and report the increase in its yearly audits.

---

Authority for the waiver: 46206

Bargaining unit(s) consulted on: Not required

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: Joan Harvell, CSEA; Donna Davis, VTTA

Local board approval date: 01/16/03

Effective dates of request: 09/04/01 to 06/17/02

---

**Fiscal Analysis (as appropriate):**

- In fiscal year 2001-2002, the repayment amount for offering less than the 1982-83 minutes per *Education Code* Section 46202, as required by law is: 2,028 (Affected ADA) times \$5,357.25 (Base Revenue Limit) times 1 (Deficit Factor) equals \$10,864,503 (Apportionment); 256 (Minutes short) divided by 62,480 (number of required minutes) equals 0.004097311 (Percentage); \$10,864,503 (Apportionment) divided by 0.41% (Percentage) equals **\$44,515.25** (Penalty)

**Background Information:**

Waiver request forms and supporting documents are attached.