



## CALIFORNIA STATE BOARD OF EDUCATION

ITEM #W-15

### MARCH 2004 AGENDA

#### Specific Waiver

<b>SUBJECT</b> Request by <b>Lake Elsinore Unified School District</b> to waive <i>Education Code</i> (EC) Section 46201(d), the longer day instructional time penalty for fiscal year 2002-2003 at <b>Cottonwood Canyon Elementary School</b> due to a shortage of 2,160 instructional minutes.  Waiver Number 30-12-2003	<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 Cottonwood Canyon Elementary School from the required 36,000 minutes per year in Kindergarten to 38,160 minutes per year (36,000 plus the 2,160 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 Lake Elsinore Unified School District requests a waiver of *Education Code* (EC) Section 46201(d), the longer day instructional time penalty, which states that thirty-four thousand minutes of instructional time must be offered at the kindergarten grade level. In the 2002-2003 school year, the district erroneously included a nineteen-minute lunch period each day in the instructional time calculation to the kindergarten pupils. When the error was discovered during the audit, the bell schedule was immediately revised and the lunch period dropped for the

## Lake Elsinore Unified School District, Page 2

kindergarten pupils, however the total shortage was still 2,160.

The penalty for this error is \$379,868.83. The district will begin to make up the instructional time beginning in school year 2003-2004 by increasing the instructional time at in Kindergarten classes at Cottonwood Canyon Elementary School to 38,160.

Therefore, the department recommends approval on the condition that the district maintains increased instructional time at Cottonwood Canyon Elementary School from the required 36,000 minutes per year to 38,160 minutes per year (36,000 plus the 2,160 minutes short) beginning in 2003-2004 and continuing through 2004-2005, and reports the increase in its yearly audits.

---

Authority for the Waiver: 46202

Bargaining unit(s) consulted on date(s): April 2003

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

Neutral                       Support                       Oppose

Name of bargaining unit representative(s): Karl Stuck

Local board approval date(s): December 17, 2003

Period of request: July 1, 2003 through June 30, 2005

### **FISCAL ANALYSIS (AS APPROPRIATE)**

The repayment amount for offering less than the 1986-87 minutes per *Education Code* (EC) Section 46201(d), as required by law is: 1,260 (Affected ADA) times \$5,024.72 (Base Revenue Limit) equals \$6,331,147.20 (Apportionment). 2,160 (Number of minutes short) divided by 36,000 (Number of required minutes) equals 0.06 (Percentage). \$6,331,147.20 (Apportionment) times 6.00% (Percentage) equals \$379,868.83 (Penalty).

### **BACKGROUND INFORMATION**

Waiver request forms and supporting documents are attached to this summary.