

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-9

TITLE: Request by Planada Elementary School District to waive <i>Education Code</i> Section 46201, the longer day instructional time penalty for the 2000-2001 school year for Planada Elementary School.	<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> INFORMATION <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT
CDSIS: 3-3-2003	

RECOMMENDATION:

The Department recommends approval on the condition that the district maintain increased instructional time at **Planada Elementary School** for a period of two years from the required 36,000 minutes per year to at least 37,800 minutes per year (36,000 plus the 1,800 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:

On January 1, 2002, with SB 178, the existing *EC* authority, Section 46206 was repealed, and a new Section 46206 added to the *EC*.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):

Planada Elementary School District requests a waiver of *Education Code* Section 46201(c), the longer day instructional time penalty, which states that thirty six thousand minutes of instructional time must be offered in kindergarten. In fiscal year 2001-02, Planada Elementary School failed to meet the requirement of 36,000 instructional minutes by 1,800 minutes. This mistake was due to counting lunchtime as instructional time for the am kindergarten. During an audit, it was discovered that the time could not be counted as instructional time. **The penalty in this case is \$18,714, which is a large amount of money for a small rural one-school district to pay back.**

Beginning in fiscal year 2002-03, and continuing into fiscal year 2003-04, the school is making up the shortage of 1,800 minutes by increasing the instructional time to 37,800 instructional minutes.

Therefore, the department recommends approval on the condition that the district maintain increased instructional time at **Planada Elementary School** for a period of two years from the required 36,000 minutes per year to at least 37,800 minutes per year (36,000 plus the

1,800 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: *Education Code* Section 46206

Bargaining unit(s) consulted on: N/A

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: N/A

Local board approval date: 02/27/03

Effective dates of request: 07/01/01 to 06/30/02

Fiscal Analysis (as appropriate):

- The repayment amount for offering less than the 1986-87 minutes per *Education Code* Section 46201(c)(1)(2)(3), as required by law is: 85 (Affected ADA) times \$220.16 (Penalty Amount) equals **\$18,714**.

Background Information:

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