



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2004 AGENDA

**Specific Waiver**

<b>SUBJECT</b>  Request by <b>Grant Elementary School District</b> to waive <i>Education Code</i> (EC) section 46201(d), the longer day incentive program penalty for the 2002-2003 fiscal year at Grant Elementary School.  Waiver Number: 26-1-2004	<input checked="" type="checkbox"/> <b>Action</b>
	<input type="checkbox"/> <b>Consent</b>

### RECOMMENDATION

Approval  
  Approval with conditions  
  Denial

Approval on the condition that the district maintain increased instructional time at Grant Elementary School in grades 4 through 6 from the required 55,125 minutes per year to 55,870 minutes per year (55,125 plus the 745 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 Grant Elementary School District requests a waiver of EC section 46201(d), the longer day incentive program penalty, which states that minutes of instructional time must be offered at the appropriate level. In the 2002-2003 school year, the Grant Elementary School District miscalculated the minutes for Grant Elementary School for the fourth through eighth grades. The school had 157 regular days of 320 minutes and 23 minimum days of 180 minutes resulting in a total of 54,830 instructional minutes. In 1982-1983, the school district offered a higher number of 55,125 instructional minutes in the fourth through sixth grades. The auditor did not find the error during the annual audit. However, district staff discovered calculation

**Grant Elementary School District, page 2**

errors in the spreadsheet used to track instructional minutes after the close of the fiscal year. As soon as the district realized the problem, they reported it to the auditor and the school board. Although the auditor did not find the error during the audit, the finding has been recorded as part of the 2002-2003 fiscal year.

The district will not be out of compliance in 2003-2004 for this error. The district has submitted the 2004-2005 revised bell schedules with the new number of instructional minutes (see attached bell schedules).

In order to prevent this from reoccurring in the future, the district fixed the spreadsheet to correctly calculate the instructional minutes. The penalty for this error is \$11,189.65. The district will begin to make up the instructional time beginning in school year 2003-2004 by increasing the instructional time at Grant Elementary School to 55,870 (55,125 plus 745) in grades 4 through 6.

**Authority for the Waiver:** Education Code section 46206(a)

**Bargaining unit(s) consulted on date(s):** 10/01/03 and 10/06/03

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

Neutral  Support  Oppose

**Name of bargaining unit(s)/representative(s):** Danna Harvey, CTA and Suzanne Adams, CSEA

**Local board approval date(s):** January 22, 2004

**Period of request:** 07/01/02 to 06/30/03

**FISCAL ANALYSIS (AS APPROPRIATE)**

The repayment amount as required by law is: 185.37 (Affected Daily Attendance) times \$4,466.52 (Base Revenue Limit) equals \$827,958.81 (Apportionment). 745 (Number of minutes short) divided by 55,125 (Required Number of Minutes) equals 0.0135 (Percentage). \$827,958.81 (Apportionment) times 1.35% (Percentage) equals \$11,189.65 (Penalty). The district is requesting that the full penalty be waived.

**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.