

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education March 2023 Agenda Item #W-12

## Subject

Request by **Roseville Joint Union High** to waive portions of California *Education Code* Section 60800(a) relating to Physical Fitness Testing, specifically the testing window of February 1 through May 31, to be moved to the fall semester physical education classes.

## Waiver Number

2-8-2022

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Roseville Joint Union High is seeking waiver status to administer the Physical Fitness Test (PFT) outside the administration window of February 1 through May 31 at all of the district’s high schools. Roseville Joint Union High operates on a 4x4 block schedule which prevents grade nine students enrolled in physical education (PE) during the fall semester from participating in the mandated PFT administration window.

## Authority for Waiver

California *Education Code (EC)* Section 33050

## Recommendation

* Approval: Yes
* Approval with conditions: No
* Denial: No

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve Roseville Joint Union High request that the PFT administration window be moved to Roseville Joint Union High’s fall semesters beginning August 4, 2022, through June 06, 2024.

## Summary of Key Issues

*EC* Section 60800(a) requires that, during the months of February, March, April, or May, the governing board of each school district maintaining any of grades five, seven, and nine administer to each student in those grades the physical performance test designated by the SBE.

The Roseville Joint Union High operates a 4x4 block schedule and has grade nine students enrolled in PE for one semester during the fall months. The approval of this waiver will allow Roseville Joint Union High to administer the PFT to students in the fall, in PE class, which is the most appropriate class for incorporating physical performance testing.

Roseville Joint Union High has a student population of 10,600 and is located in a suburban area in Placer County.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons set forth in *EC* 33051(a), available at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051>.

## Summary of Previous State Board of Education Discussion and Action

In November 2022, the Roseville Joint Union High School District requested SBE approval of a waiver from *EC* Section51222(a) (<https://www.cde.ca.gov/be/ag/ag/yr22/documents/nov22w02.docx>).

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Summary of Action to Date Table (1 Page)
* **Attachment 2:** Waiver 2-8-2022 Roseville Joint Union High (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary of Actions to Date

Table 1 below includes actions taken to date in relation to Waiver Number 2-8-2022 in light of California *Education Code* Section 60800(a).

## Table 1. Summary of Actions Related to Waiver Number 2-8-2022

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Waiver**  **Number** | **District Name** | **Period of Request** | **Local Board and Public Hearing Date** | **Certificated Bargaining Unit Name and Representative,**  **Date of Action,**  **and Position** | **Advisory Committee/**  **School Site Council Name, Date of Review, and any Objections** |
| 2-8-2022 | Roseville Joint Union High | 8/4/2022  through  6/6/2024 | 07/28/2022 | Jessica Fork, Roseville Secondary Education Association, Roseville Joint Union High  07/20/2022  **Support** | School Site Council and District School Board  07/28/2022  **No objections** |

Created by California Department of Education  
January 2023

# Attachment 2: Waiver 2-8-2022 and Roseville Joint Union High

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3166928

Waiver Number: 2-8-2022

Active Year: 2022

Date In: 8/15/2022 10:10:21 PM

Local Education Agency: Roseville Joint Union High

Address: 1750 Cirby Way

Roseville, CA 95661

Start: 8/4/2022

End: 6/6/2024

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Physical Fitness Testing

Ed Code Title: Physical Fitness Testing

Ed Code Section: CA Education Code Section 60800(a)

Ed Code Authority: CA Education Code Section 33050

Education Code or CCR to Waive: The Roseville Joint Union High School District requests to waive one portion of Ed Code Section 60800(a), related to Physical Fitness Testing, by adjusting the testing window of February 1 through May 31 to allow for testing in the fall semester for those PE students who have PE courses only in the fall, due to the 4x4 block schedule.

Outcome Rationale: Roseville Joint Union High has used a 4x4 Block Schedule for its comprehensive high schools for over 12 years. This scheduling model offers significant academic advantages for students, especially with sequential academic courses (Math, Language), Career Technical Education Programs of Study, as well as elective programs (Visual and Performing Arts). We request this waiver to adjust the timing of Physical Fitness Testing so that students who have PE only in fall semester can take the test while they are enrolled in those courses with PE instructors, as this would be the most appropriate and safe time for these students to do their testing.

Student Population: 10600

City Type: Suburban

Public Hearing Date: 7/28/2022

Public Hearing Advertised: Public announcements, posted on district web page, posted on websites of all district schools.

Local Board Approval Date: 7/28/2022

Community Council Reviewed By: Open public hearing on the PE Waiver proposal, reviewed by the school board.

Community Council Reviewed Date: 7/28/2022

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Mr. Mike Fischer

Position: Director of Digital Learning

E-mail: [mfischer@rjuhsd.us](mailto:mfischer@rjuhsd.us)

Telephone: 916-786-2051 x1146

Fax:

Bargaining Unit Date: 07/20/2022

Name: Roseville Secondary Education Association (RSEA)

Representative: Jessica Fork

Title: RSEA President

Phone: 916-782-3753

Position: Support

Comments: