

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Specific Waiver

# California State Board of Education November 2021 Agenda Item #W-04

## Subject

Request by the **Nevada Joint Union High School District (NJUHSD),** a district under the authority of the California *Education Code (EC)* Section 46206(a), to waive *EC* Section 46201(a), the audit penalty for offering insufficient instructional minutes during the 2018–19 school year.

## Waiver Number

* 18-2-2020

## Type of Action

Action, Consent

## Summary of the Issue(s)

The school district (district) above is requesting that the California State Board of Education (SBE) waive the instructional time requirement audit penalty. The district was short instructional minutes for the 2018–19 school year. Per *EC* Section 46206(a), the SBE may waive the fiscal penalties set forth in this article for a school district that fails to maintain the prescribed minimum length of instruction, upon the condition that the school or schools in which the minutes were lost maintain minutes of instruction equal to those lost, in addition to the minimum amount required, for twice the number of years that it failed to maintain the required minimum length of time.

## Authority for Waiver

*EC* Section 46206(a)

## Recommendation

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

The California Department of Education (CDE) recommends that the SBE approve the request by the district to waive the instructional time penalties for offering less than the required instructional minutes for the requested period shown in Attachment 1, as long as the conditions outlined in Attachment 1 are met by the district.

If these conditions are not met, the penalties will be reinstated and CDE will take action to recover the penalty amount from the school district.

## Summary of Key Issues

During an audit of instructional time for 2018–19, it was discovered that Nevada Joint Union High School District (NJUHSD) failed to offer the required 64,800 annual minutes for grades nine through twelve by 26 minutes at Bear River High School. The addition of a minimum day for the school year resulted in an instructional minute shortage, which was not noticed by the administration.

NJUHSD would like to use school years 2021–22 and 2022–23 to make up the shortfall of the instructional minutes. NJUHSD has submitted documentation showing the affected school sites will offer additional minutes for grades nine through twelve during the 2021–22 and 2022–23 school years to comply with the terms of the waiver.

**Demographic Information:**

According to DataQuest, Nevada Joint Union High School District currently has a student population of 2,686 and is located in a rural area in Nevada County.

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

The SBE has approved similar requests with conditions. *EC* Section 46206(a) authorizes waivers to be granted for fiscal penalties due to a shortfall in instructional time. A waiver may be granted upon the condition that the school, or schools, in which the minutes or days were lost, maintain minutes or days of instruction equal to those lost, in addition to the minimum amount required for twice the number of years that it failed to maintain the required minimum length of time.

## Fiscal Analysis (as appropriate)

The NJUHSD 2018–19 instructional minute penalty amount of $9,626 is calculated as follows (some differences due to rounding):

* The average daily attendance (ADA) of 2,411.41 for students in grades nine through twelve multiplied by the funding rate of $9,979.75 (value per ADA rate) is equal to the district’s Local Control Funding Formula (LCFF) apportionment of $24,065,269.
* A shortfall of 26 instructional minutes for the affected grade levels divided by the 64,800-minute requirement is equal to .04 percent of minutes not offered.
* The affected LCFF apportionment of $24,065,269 multiplied by the percentage of minutes not offered is equal to the instructional minute penalty amount of $9,626.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** NJUHSD Specific Waiver Request 18-2-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 46201(a)

| **Waiver Number** | **District** | **Period of Request** | **District’s Request** | **CDE Recommended Action** | **Bargaining Unit Representatives Consulted, Date, and Position** | **Local Board and Public Hearing Approval** | **Penalty Without Waiver** | **Previous Waivers** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 18-2-2020 | Nevada Joint Union High School District | **Requested:**  July 1, 2018, to June 30, 2019  **Recommended:**  July 1, 2018, to June 30, 2019 | District requests waiving *EC* Sections 46201(a) to avoid the audit penalty in exchange for offering increased instructional days and minutes in 2021–22 and 2022–23, consistent with *EC* Section 46206(a). | Approval of waiver, consistent with EC Section 46206(a) with the following conditions:  (1) District maintains increased instructional minutes for grades nine through twelve at Bear River High School of at least the amount required by law plus 26 minutes, for a period of two years beginning in 2021–22 through 2022–23, and (2) District reports the increased annual instructional minutes offered in in its annual audit report. | Nevada Joint Union High School Teachers Association  November 5, 2020  **Support** | Local Board Approval  January 18, 2020 | $9,626 | None |

Created by California Department of Education

August 2021

# Attachment 2: Nevada Joint Union High School District Specific Waiver Request 18-2-2020

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 2966357

Waiver Number: 18-2-2020

Active Year: 2020

Date In: 2/19/2020 5:01:51 PM

Local Education Agency: Nevada Joint Union High

Address: 11645 Ridge Rd.

Grass Valley, CA 95945

Start: 7/1/2018

End: 6/30/2019

Waiver Renewal: No

Waiver Topic: Instructional Time Requirement Audit Penalty

Ed Code Title: Below 1982-83 Base Minimum Minutes

Ed Code Section: 46207(a)

Ed Code Authority: 46206(a)

Ed Code or *CCR* to Waive: District is seeking waiver of Ed Code section along with the associated penalty [46207(a) (4) To pupils in grades 9 to 12, inclusive, 64,800 minutes.] minimum instructional minutes offered for Bear River High School students during the 2018-19 school year. Site has 48 additional instructional minutes for the 2019-20 school year. The 2020-21 district calendar has not been finalized but will be submitted along with the bell schedule as soon as possible.

Outcome Rationale: Bear River High School included the nutritional break as instructional minutes for minimum days during the 2018-19 school year. The site has corrected the instructional minutes for minimum days by excluding the nutritional breakOutcome Rationale: To address Ed Code 47605(1) we will adopt the following:

Student Population: 2584

City Type: Rural

Local Board Approval Date: 1/18/2020

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Laura Flores

Position: Chief Business Officiel

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