

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education July 2022 AgendaItem #W-05

## Subject

Request by **La Mesa-Spring Valley Elementary School District** to waive California *Education Code* Section 37202, the equity length of time requirement, so that the La Mesa Arts Academy in the La Mesa-Spring Valley Elementary School District may offer its seventh and eighth graders an optional period to be used as an extra elective as well as time to provide additional academic support.

## Waiver Number

2-4-2022

## Type of Action

Action, Consent

## Summary of the Issue(s)

The La Mesa-Spring Valley Elementary School District is requesting a renewal of a waiver of California *Education Code* (*EC*) Section 37202 that requires the governing board of a school district to maintain all of the elementary day schools established by it for an equal length of time during the school year, and all of the day high schools established by it for an equal length of time during the school year. This will allow the La Mesa Arts Academy (LMAAC) in the La Mesa-Spring Valley Elementary School District to continue to offer its seventh and eighth graders an optional period to be used as an extra elective as well as time to provide additional academic support.

**Authority for Waiver**

*EC* Section 33050

## Recommendation

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

## Summary of Key Issues

The La Mesa-Spring Valley Elementary School District is requesting a renewal of a waiver to continue to offer its seventh and eighth graders an optional period at LMAAC. La Mesa-Spring Valley Elementary School District is a kindergarten through grade eight district. This would result in seventh and eighth graders at LMAAC receiving more instructional minutes than other seventh and eighth graders at other schools in the district.

The LMAAC will continue to use this optional period as an extra elective as well as time to provide additional academic support. Because optional periods are now seen as part of the instructional minutes, La Mesa-Spring Valley Elementary School District would like to renew the waiver approved in July 2020 to continue this practice.

The California Department of Education (CDE) reviewed the waiver request and determined that there was no opposition to the waiver at the public hearing held by the governing board. The CDE also determined that none of the findings specified in *EC* Section 33051, which authorize denial of a waiver, exist. Thus, the CDE recommends the State Board of Education (SBE) approve the request by the La Mesa-Spring Valley Elementary School District to waive *EC* Section 37202, which requires school districts to maintain equal lengths of time during the school year for elementary day schools.

**Demographic Information:** LMAAC has a student population of 1,000 and is located in an urban setting in La Mesa, California.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons 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 July 2020, the SBE approved a waiver for equity length of time by La Mesa-Spring Valley Elementary School District to waive *EC* Section 37202, the equity length of time requirement for LMAAC.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table of Equity Length of Time (1 page)
* **Attachment 2:** La Mesa-Spring Valley Elementary School District General Waiver Request 2-4-2022 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table of Equity Length of Time

California *Education Code* (*EC*) Section 37202

| WaiverNumber | District Name,Size of District, andLocal BoardApproval Date | Period of Request | If granted, this waiver will be "permanent"per *EC* Section 33501(b) | Bargaining Unit Name and Representative,Date of Action,and Position | Advisory Committee/School Site Council Name,Date of Reviewand Any Objections |
| --- | --- | --- | --- | --- | --- |
| 2-4-2022 | La Mesa-Spring Valley Elementary School District 11,798 Students1,000 Students in La Mesa Arts AcademyApril 5, 2022 | **Requested:**July 1, 2022throughJuly 1, 2024**Recommended:**July 1, 2022throughJune 29, 2024 | No | La Mesa-Spring Valley Teachers AssociationDennis Blevins,PresidentMarch 24, 2022**Support** | School Site CouncilMarch 11, 2022**No Objections** |

Created by California Department of Education

May 2022

# Attachment 2: La Mesa-Spring Valley Elementary School District General Waiver Request 2-4-2022

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768197

Waiver Number: 2-4-2022

Active Year: 2022

Date In: 4/6/2022 11:12:40 AM

Local Education Agency: La Mesa-Spring Valley

Address: 4750 Date Ave.

La Mesa, CA 91942

Start: 7/1/2022

End: 7/1/2024

Waiver Renewal: Yes

Previous Waiver Number: 12.3.2020 -w-03

Previous SBE Approval Date: 7/8/2020

Waiver Topic: Equity Length of Time

Ed Code Title: Equity Length of Time

Ed Code Section: 37202

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 1050

Per California *Education Code* (*EC*), an optional period is now included in a school's instructional minutes.

Outcome Rationale: Currently, La Mesa Arts Academy (LMAAC) students in seventh and eighth grade have an optional period as part of their daily instruction. Per California *Education Code* (*EC*), an optional period is now included in a school's instructional minutes. *EC* Section 37202 (Equity Length of Time) requires the State Board of Education (SBE) to approve a waiver in order to allow for increased instructional minutes above that of the district's other middle schools (7th and 8th graders). We received a state waiver back in 2020 and need to renew for the next two years.

Student Population: 1000

City Type: Suburban

Public Hearing Date: 4/5/2022

Public Hearing Advertised: Board meeting agenda posting 72 hours prior to meeting

Local Board Approval Date: 4/5/2022

Community Council Reviewed By: LMAAC School Site Council; La Mesa-Spring Valley Teachers Association; Board of Education

Community Council Reviewed Date: 3/11/2022

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Mr. Guido Magliato

Position: Assistant Superintendent, Leadership & Learning

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Bargaining Unit Date: 03/24/2022

Name: La Mesa-Spring Valley Teachers Association

Representative: Dennis Blevins

Title: President

Phone: 619-668-5700

Position: Support

Comments: