

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education May 2022 Agenda Item #W-07

## Subject

Request by **Placer Union High School District** to waive portions of California *Education Code* Section 51222(a), related to the statutory minimum requirement of 400 minutes of physical education each 10 school days for students in grades nine through twelve in order to implement a block schedule at Del Oro High School.

## Waiver Number

1-12-2021

## Type of Action

Action, Consent

## Summary of the Issue(s)

Del Oro High School is requesting a 4X4 block schedule where students receive 800 minutes of Physical Education (PE) instruction each 10 school days for 18 weeks. California *Education Code* (*EC*) Section 51222(a) requires a minimum of 400 minutes each 10 school days for the entire school year. Del Oro High School students only take PE for one semester; therefore, Placer Union High School District (PUHSD) is seeking a waiver of *EC* Section 51222(a).

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

*EC* Section 33051(b) will NOT apply and the district must renew this waiver before August 8, 2023 (two years less two days), consistent with State Board of Education (SBE) Waiver Policy 99-03. The district must also create a uniform way for the school site to document and report to the district evidence of compliance; the district will collect documentation that provides evidence of compliance for each waiver criteria applicable to SBE Waiver Policy 99-03 annually.

## Summary of Key Issues

*EC* Section 51222(a) establishes requirements for minimum instructional minutes of PE, 400 minutes each 10 school days for pupils in grades seven through twelve. Del Oro High School will implement a block schedule in grades nine through twelve that does not provide each student with PE instruction for a minimum of 400 minutes each 10 school days.

Students at Del Oro High School are enrolled in PE for only 18 weeks of the school year, receiving instruction for an average of 80 minutes per school day (four days at an average of 81 minutes and one day at an average of 76 minutes). This means that PE is taught for 400 minutes per school week (or 800 minutes each 10 days). Therefore, the actual time that Del Oro High School students are enrolled in PE meets the minimum minute requirement, if added on an annual basis (7,200 minutes).

| **Sample Student Schedules** | **Fall Term**  18 Consecutive Weeks | **Spring Term**  18 Consecutive Weeks |
| --- | --- | --- |
| Student A | Minutes per week of PE Instruction = 0 | Minutes per week of PE Instruction = 400 |
| Student B | Minutes per week of PE Instruction = 400 | Minutes per week of PE Instruction = 0 |

The California Department of Education (CDE) has worked closely with PUHSD to ensure that all criteria have been met to a high degree of completion. The district has provided evidence indicating they have met the criteria for this waiver as follows:

1. The PE instructional program at Del Oro High School complies with federal and state statutes and regulations related to PE pertaining to minimum minute requirements; instruction is based on PE content standards; and instruction is aligned with the *Physical Education Framework* *for California Public Schools* (sequential, articulated, and age-appropriate instruction).
2. The district has developed a PE professional development plan for teachers who deliver instruction in PE at that school.
3. The students are enrolled in courses of PE a minimum of 18 weeks in 76–81 minute daily class periods during the regular school year.
4. The district described a method by which it will monitor students’ maintenance of their personal physical activity programs during the weeks they are not participating in a PE course at their school. The monitoring programs include: student accountability for participation in physical activity, guidance for students in using the principles of exercise to design and complete their physical activity program, and specific information regarding the design and delivery of the monitoring program.
5. The PE program complies with the *California Code of Regulations*, Title 5, Article 3.1, Section 10060.
6. All eligible students are prepared for and participate in the physical performance testing as specified in *EC* Section 60800.
7. Alternate day scheduling for PE rather than alternate term scheduling has been thoroughly investigated by the district.

When the district is identified for a Federal Program Monitoring (FPM) review by the CDE, Del Oro High School, in the PUHSD, shall have PE reviewed as a part of the district’s FPM process.

The data below includes the most recent California Physical Fitness Test (PFT) scores from the 2018–19 school year. This is due to the 2019–20 Executive Order N-56-20 and the 2020–21 Section 68, of Senate Bill 820 (Chapter 110, 2020), suspending the PFT respectively.

As required by SBE Waiver Policy 99-03, PE Requirements for Block Schedules, the 2018–19 PFT data from Del Oro High School was reviewed and indicates that 59.4 percent of the grade nine students met six out of six fitness standards on each of the PFT items. This indicates a 0.9 percent decrease from 2017–18 (60.3 percent).

For the 2021–22 school year, local educational agencies (LEAs) will not be required to report the raw PFT scores including the reporting of each component of the Healthy Fitness Zones to the CDE. Instead, LEAs will be required to submit participation results (by component and grade) as part of their annual School Accountability Report Card.

**Demographic Information:** Del Oro High School has a student population of 1,661 and is located in a small city 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 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

SBE Waiver Policy 99-03, PE Requirements for Block Schedules, which was last revised in July 2006, establishes criteria for granting waivers related to PE instructional minutes for the purpose of implementing a block schedule. Please see the PE Requirements for Block Schedules on the CDE Waiver Policies web page at <https://www.cde.ca.gov/re/lr/wr/waiverpolicies.asp>.

## Schools began implementing block schedules, sometimes with disregard for the statutory requirements for PE instructional minutes, in the 1980s. Several types of these block schedules incorporate PE instruction on a limited basis and do not meet the statutory requirement of 400 minutes each 10 school days. A committee including PE experts, district staff, SBE members, and CDE staff developed a recommendation for a waiver policy. This group did not feel that they could ask high schools in the state to stop doing block scheduling, so flexibility was sought, and a waiver policy was created.

## Fiscal Analysis

There is no statewide fiscal impact of waiver approval (or denial).

## Attachment(s)

* **Attachment 1:** Summary Table of Physical Education Block Schedule State Board of Education Waiver (1 page)
* **Attachment 2:** Placer Union High School District General Waiver Request   
  1-12-2021 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table of Physical Education Block Schedule State Board of Education Waiver

California *Education Code* Section 51222(a)

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit, Representatives Consulted, Date, and Position** | **Public Hearing and Board Approval Date** | **Public Hearing Advertisement** | **SSC/Advisory Committee Consulted, Date, and Position** |
| --- | --- | --- | --- | --- | --- | --- |
| 1-12-2021 | Placer Union High School District (PUHSD) | **Requested:**  August 10, 2021, to August 09, 2023  **Recommended:**  August 10, 2021, to August 8, 2023 | Associated Teachers of PUHSD  **Representative:** Michael Sabins  Title: President October 29, 2021  **Support** | Public Hearing:  November 16, 2021  **Local Board Approval:**  November 16, 2021 | Published in accordance with Board Meeting Agenda requirements | Community Council **Reviewed By:** District Physical Education Department Chairs  **Review Date:** August 30, 2021 Objection: N |

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# Attachment 2: Placer Union High School District General Waiver Request 1-12-2021

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3166894

Waiver Number: 1-12-2021

Active Year: 2021

Date In: 12/3/2021 1:52:24 PM

Local Education Agency: Placer Union High

Address: 13000 New Airport Rd.

Auburn, CA 95603

Start: 8/10/2021

End: 8/9/2023

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Physical Education Program

Ed Code Title: Block Schedules

Ed Code Section: 51222(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: (a) All pupils, except pupils excused or exempted pursuant to Section 51241, shall be required to attend upon the courses of physical education for a total period of time of not less than 400 minutes each 10 schooldays

Outcome Rationale: We have been utilizing the 4x4 schedule for well over a decade and have recently changed our graduation requirements to ensure that all of our students have the ability to be on-track for A-G, ensure completion of CCI, and provide extra support to our students. These changes caused us to be out of compliance of the 400 minute requirement for both our 9th and 10th grades

Student Population: 1661

City Type: Small

Public Hearing Date: 11/16/2021

Public Hearing Advertised: It was published in accordance with Board Meeting Agenda requirements

Local Board Approval Date: 11/16/2021

Community Council Reviewed By: District PE Department Chairs

Community Council Reviewed Date: 8/30/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Mr. Trenton Wilson

Position: Director of Child Welfare & Attendance

E-mail: [twilson@puhsd.k12.ca.us](mailto:twilson@puhsd.k12.ca.us)

Telephone: 530-886-4444

Fax:

Bargaining Unit Date: 10/29/2021

Name: Associated Teachers of PUHSD

Representative: Michael Sabins

Title: President

Phone: 530-885-4581

Position: Support

Comments: