

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education September 2022 Agenda Item #W-09

## Subject

Request by **Del Norte County Unified School District** 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

16-5-2022

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Del Norte County Unified School District is seeking a waiver to administer the Physical Fitness Test (PFT) outside the administration window of February 1 through May 31 for the 2021-2022 school year. Del Norte County Unified operated on a 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

## Recommendations

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

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve Del Norte County Unified’s request that the PFT administration window be moved for the district’s fall semester that began July 1, 2021, and continued through June 30, 2022.

## Summary of Key Issues

*EC* Section 60800(a) requires that, during the month 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.

Due to the COVID-19 pandemic, Del Norte County Unified operated a block schedule during the 2021-22 school year and had grade nine students enrolled in PE for one semester during the fall months. The approval of this waiver will retroactively allow Del Norte County Unified to administer the PFT to students in the fall, in PE class, which is the most appropriate class for incorporating physical performance testing.

Del Norte County Unified has a student population of 150 and is located in a rural area in Del Norte 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 July 2022, the SBE approved a waiver for San Dieguito Union High’s PFT administration window to be moved to the fall semester for the 2022–24 academic year (<https://www.cde.ca.gov/be/ag/ag/yr22/documents/jul22w18.docx>).

In July 2022, the SBE approved a waiver for Vista Unified School District’s PFT administration window to be moved to the fall semester for the 2022–23 academic year (<https://www.cde.ca.gov/be/ag/ag/yr22/documents/jul22w19.docx>).

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Summary of Actions to Date (1 Page)
* **Attachment 2:** Waiver 16-5-2022: Del Norte County Unified (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 16-5-2022 in light of California *Education Code* Section 60800(a).

## Table 1. Summary of Actions Related to Waiver Number 16-5-2022

| **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** |
| --- | --- | --- | --- | --- | --- |
| 16-5-2022 | Del Norte County Unified | 2/1/2022  through  6/1/2022 | 5/12/2022 | Marshall Jones, President Del Norte Teachers Association 5/2/2019  **Neutral** | School Site Council and District School Board  4/21/2022  **No objections** |

Created by California Department of Education  
June 2022

# Attachment 2: California Department of Education WAIVER SUBMISSION - General

CD Code: 0861820

Waiver Number: 16-5-2022

Active Year: 2022

Date In: 5/31/2022 3:47:38 PM

Local Education Agency: Del Norte County Unified

Address: 301 West Washington Blvd.

Crescent City, CA 95531

Start: 2/1/2022

End: 6/1/2022

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Physical Fitness Testing

Ed Code Title: Physical Fitness Testing

Ed Code Section: 60800

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: *EC* 60800. [(a) During the month of February, March, April, or May, the governing board of each school district maintaining any of grades 5, 7, and 9 shall administer to each pupil in those grades the physical performance test designated by the state board. Each pupil with a physical disability and each pupil who is physically unable to take all of the physical performance test shall be given as much of the test as his or her condition will permit.]

Outcome Rationale: Del Norte Unified School District is requesting a waiver from the California Department of Education for administering state Physical Fitness Testing to half of the freshman class outside of the state Physical Fitness Testing window.

Due to the block schedule at DNHS this year, half of the freshman class were given the state Physical Fitness Test a week prior to the state testing window, February 1 – June 1, 2022. This is because they needed to test the students while they were still enrolled in PE class before the term ended. The DNHS School Site Council approved the application for the waiver at a meeting on April 21, 2022. This is detailed in item 4.0 from the meeting notes.

Per CA Department of Education requirement, the Del Norte Teachers Association was consulted on 5/2/22.

A public hearing to invite public testimony was held on May 12, 2022. The school board approved the waiver request on May 26, 2022.

Student Population: 150

City Type: Rural

Public Hearing Date: 5/12/2022

Public Hearing Advertised: District website, board agenda posted publcily

Local Board Approval Date: 5/26/2022

Community Council Reviewed By: Del Norte High School School Site Council

Community Council Reviewed Date: 4/21/2022

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Rae Fearing

Position: Director of Innovation and Special Programs

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Telephone: 707-464-0707

Fax:

Bargaining Unit Date: 05/02/2022

Name: Del Norte Teachers Association

Representative: Marshall Jones

Title: President

Phone: 707-464-6141

Position: Neutral

Comments: