

California Department of Education
Executive Office
SBE-006 (REV. 11/2017)
Specific Waiver

# California State Board of Education January 2018 AgendaItem #W-04

## Subject

Request by **Southern Kern Unified School District** under the authority of the California *Education Code* Section 46206(a), to waive *Education Code* Section 46201(a), the audit penalty for offering less instructional time in the 2015–16 school year for students in grades nine through twelve (shortfall of 725 minutes) at one district school.

## Waiver Number

56-6-2017

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Southern Kern Unified School District (SKUSD) is requesting that the California State Board of Education (SBE) waive the instructional time requirement audit penalty for SKUSD. SKUSD was short instructional minutes for the 2015–16 school year. Per *Education Code* (*EC*) Section 46206(a), the SBE may waive the fiscal penalties set forth in this article for a school district or county office of education 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

## Recommendation

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

The California Department of Education (CDE) recommends that the SBE approve this waiver on the condition that the SKUSD maintains increased instructional minutes at Rosamond High School for grades nine through twelve of at least the amount required by law plus 725 minutes for a period of two years beginning in 2017–18 through 2018–19. As an additional condition of the waiver approval, the district must report the annual instructional minutes offered by the district for grades nine through twelve in its annual audit report.

## Summary of Key Issues

During an audit of instructional minutes for 2015–16 it was discovered that the SKUSD failed to offer the required number of minutes for grades nine through twelve at Rosamond High School.

The SKUSD would like to use school years 2017–18 and 2018–19 to make up the shortfall of instructional minutes at Rosamond High School. The minimum number of required annual instructional minutes for grades nine through twelve in 2017–18 and 2018–19 is 64,800.

**Demographic Information:** SKUSD has a student population of 3,400 and is located in a rural area in Kern County.

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

The SBE has approved similar requests with conditions. *EC* Section 46206 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 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.

## Fiscal Analysis (as appropriate)

The 2015–16 penalty amount of $86,379 is calculated as follows (some differences due to rounding):

The average daily attendance of 821.85 for all students in grades nine through twelve multiplied by the district’s funding rate of $9,384.21 (transition rate) is equal to the district’s Local Control Funding Formula (LCFF) apportionment of $7,712,413.00.

A shortfall of 725 instructional minutes for the affected grade levels divided by the 64,800 minute requirement is equal to 1.12 percent of minutes not offered.

The affected LCFF apportionment of $7,712,413.00 multiplied by the percentage of minutes not offered is equal to the penalty amount of $86,379.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Southern Kern Unified School District Specific Waiver Request 56-6-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 46206

| 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 |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 56-6-2017 | Southern Kern Unified School District | **Requested:** July 1, 2015, to June 30, 2016**Recommended:** July 1, 2015, to June 30, 2016 | District requests waiving *EC* Section 46201(a) to avoid the audit penalty in exchange for offering increased instructional minutes in 2017–18 and 2018–19, consistent with *EC* Section 46206. | **Approval** of waiver, consistent with *EC* Section 46206 with the following conditions: District: (1) maintains increased instructional minutes for grades nine through twelve of at least the amount required by law plus 725 minutes, for a period of two years beginning in 2017–18 through 2018–19, and (2) reports the annual instructional minutes offered in grades nine through twelve in its annual audit report. | Jim Quellman, President Rosamond Teachers Association 5/11/17**No Objections** | Local Board Approval 4/19/2017 | $86,379 | None |

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# Attachment 2: Southern Kern Unified School District Specific Waiver Request

**California Department of Education
WAIVER SUBMISSION - Specific**

CD Code: 1563776
Waiver Number: 56-6-2017
Active Year: 2017

Date In: 6/28/2017 3:42:16 PM

Local Education Agency: Southern Kern Unified School District
Address: 2601 Rosamond Blvd. ROSAMOND, CA 93560

Start: 7/1/2015
End: 6/30/2016

Waiver Renewal: No
Previous Waiver Number: *None*
Previous SBE Approval Date: *None*

Waiver Topic: Instructional Time Requirement Audit Penalty
Ed Code Title: Below 1982-83 Base Minimum Minutes
Ed Code Section: 46201(a)
Ed Code Authority: 46206

Ed Code or *CCR* to Waive: *EC* 46206(a) The State Board of Education may waive the fiscal penalties set forth… for a school district or county office of education that fails to maintain the prescribed minimum length of time for the instructional school year, minimum number of instructional days for the school year, or both (b) For fiscal penalties incurred …a waiver may only be granted upon the condition that the school or schools in which the minutes, days, or both, were lost, maintain minutes and days of instruction equal to those lost and in addition to the amount otherwise prescribed in this article for twice the number of years that it failed to maintain the minimum number of instructional days and continuing for each succeeding school year until the condition is satisfied.

Outcome Rationale: during the 2015-2016 school year, the District offered only 64,075 minutes to its 9-12 students at Rosamond High School. This under scheduling was due to the fact that we had too many minimum days scheduled. For the 16-17 and 17-18 school years, the District has increased our instructional minutes to make up for the lost instruction minutes in 15-16.

Student Population: 3400

City Type: Rural

Local Board Approval Date: 4/19/2017

Audit Penalty: Yes

Categorical Program Monitoring: No

Submitted by: Mr. Arik Avanesyans
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