

California Department of Education
Executive Office
SBE-005 (REV. 10/2017)
General Waiver

# California State Board of Education January 2018 AgendaItem #W-05

## Subject

Request by two school districts to waive a portion of California *Education Code* Section 35330(b)(3), to authorize expenditures of school district funds for students to travel out of state.

## Waiver Numbers

* Elk Grove Unified School District 16-10-2017
* Ontario-Montclair Unified School District 6-9-2017

## Type of Action

Action, Consent

## Summary of the Issue(s)

The local educational agencies listed above are requesting that the California State Board of Education (SBE) waive California *Education Code (EC)* Section 35330(b)(3) to authorize expenditures of school district funds for their students to travel out-of-state in connection with specified trips as identified in Attachment 1.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

The California Department of Education (CDE) recommends that the SBE approve the waiver requests by these local educational agencies (LEAs) to authorize expenditures of school district funds for out-of-state travel for their students for the recommended periods, and in connection with the activities shown in Attachment 1. Pursuant to Section 2 of Assembly Bill 341 (Chapter 40, Statutes of 2017), the prohibition for school districts to pay expenses of pupils participating in a field trip or excursion out-of-state will be removed effective January 1, 2018, eliminating the need for future waivers for out-of-state travel occurring on or after this date.

Approval of the waiver requests applies to *EC* Section 35330(b)(3) related to out-of-state travel. This waiver is not waiving any program requirements on allowable uses of funds under a specific program. School districts are still subject to any restrictions that may apply to the specific programs.

## Summary of Key Issues

School districts may conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or school band activities to and from places in the state, any other state, the District of Columbia, or a foreign country for students enrolled in elementary or secondary schools. The provisions of *EC* Section 35330(b)(3) prohibits school districts from paying for out-of-state travel expenses of the students participating in these field trips or excursions.

### Elk Grove Unified School District (EUSD)

In October 2017, Future Farmers of America (FFA) students from Elk Grove, Florin, Pleasant Grove, and Sheldon High Schools participated in the National FFA Convention in Indianapolis, Indiana.

### Ontario-Montclair Unified School District (OMUSD)

In April 2017, one OMUSD student qualified to participate at the MathCON national competition in Chicago, Illinois. In May 2017, students from Edison Elementary School qualified to participate in the Destination Imagination global event in Knoxville, Tennessee.

#### Demographic Information:

The EGUSD has a student population of 62,000 and is located in the suburban city of Elk Grove in Sacramento County.

The OMUSD has a student population of 21,843 and is located in the urban city of Rancho Cucamonga in San Bernardino 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

The SBE has approved all similar waivers in the past. Most recently, at the November 2017 SBE meeting, out-of-state waivers for Alhambra Unified School District and Coachella Valley Unified School District were approved.

## Fiscal Analysis (as appropriate)

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

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Elk Grove Unified School District General Waiver Request Waiver 16-10-2017 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Ontario-Montclair Unified School District General Waiver Request Waiver 6-9-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 35330(b)(3)

| Waiver Number | District | Period of Request | District’s Request | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval |
| --- | --- | --- | --- | --- | --- |
| 16-10-17 | Elk Grove Unified School District | **Requested** October 22, 2017 to October 31, 2017**Recommended** October 22, 17 to December31, 2017 | To authorize expenditures of school district funds for its students who traveled out of state to Indiana to attend the National FFA Convention. | Elk Grove Education Association, Ken Poppers, Associate Director 10/16/2017, **Support** | Local Board Approval 9/19/2017 |
| 6-9-17 | Ontario-Montclair Unified School District | **Requested** April 21, 2017, to December 31, 2017**Recommended** April 21, 2017 to December 31, 2017 | To authorize expenditures of school district funds for its students who traveled out of state to Illinois to attend the MathCON and to Tennessee to attend the Destination Imagination global event. | California School Employee Association, Ida Allen, President 6/20/2017, **Support**Ontario-Montclair Teachers Association, Mary Kay Scheid, President, 6/20/2017, **Support** | Local Board Approval 9/14/2017 |

Created by California Department of Education
November 2017

# Attachment 2: Elk Grove Unified School District General Waiver Request

**California Department of Education
WAIVER SUBMISSION – General**

CD Code: 3467314
Waiver Number: 16-10-2017
Active Year: 2017

Date In: 10/21/2017 12:08:20 PM

Local Education Agency: Elk Grove Unified School District
Address: 9510 Elk Grove-Florin Rd. Elk Grove, CA 95624

Start: 10/22/2017
End: 10/31/2017

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

Waiver Topic: Out-of-State Use of Funds and Transportation Allowances
Ed Code Title: Out-of-State Use of Funds and Transportation Allowances
Ed Code Section: *EC*35330 B3
Ed Code Authority: *Education Code* 33050

Ed Code or *CCR* to Waive: Ed Code or *CCR* to Waive: 35330.(a) The governing board of a school district or the county superintendent of schools of a county may: (1) Conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or school band activities to and from places in the state, any other state, the District of Columbia, or a foreign country for pupils enrolled in elementary or secondary schools. A field trip or excursion to and from a foreign country may be permitted to familiarize students with the language, history, geography, natural sciences, and other studies relative to the district's course of study for pupils. (2) Engage instructors, supervisors, and other personnel to contribute their services over and above the normal period for which they are employed by the district, if necessary, and provide equipment and supplies for the field trip or excursion. (3) Transport by use of district equipment, contract to provide transportation, or arrange transportation by the use of other equipment, of pupils, instructors, supervisors or other personnel to and from places in the state, another state, the District of Columbia, or a foreign country where those excursions and field trips are being conducted, provided that, when district equipment is used, the governing board shall secure liability insurance, and if travel is to and from a foreign country, liability insurance shall be secured from a carrier licensed to transact insurance business in the foreign country. (4) Provide supervision of pupils involved in field trips or excursions by certificated employees of the district. (b) (1) No pupil shall be prevented from making the field trip or excursion because of lack of sufficient funds. To this end, the governing board shall coordinate efforts of community service groups to supply funds for pupils in need. (2) No group shall be authorized to take a field trip or excursion authorized by this section if a pupil who is a member of an identifiable group will be excluded from participation in the fieldtrip or excursion because of lack of sufficient funds. (3) [No expenses of pupils participating in a field trip or excursion to other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds.] Expenses of instructors, chaperones, and other personnel participating in a field trip or excursion authorized by this section may be paid from school district funds, and the school district may pay from school district funds all incidental expenses for the use of school district equipment during a field trip or excursion authorized by this section. (c) (1) The attendance or participation of a pupil in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from a field trip or excursion shall be limited to the amount of attendance that would have accrued had the pupils not been engaged in the field trip or excursion. (2) Credited attendance shall not exceed 10 schooldays except in the case of pupils participating in a field trip or excursion in connection with courses of instruction, or school-related educational activities, and which are not social, cultural, athletic, or school band activities. (d) All persons making the field trip or excursion shall be deemed to have waived all claims against the district, a charter school, or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents or guardians of pupils taking out-of-state field trips or excursions shall sign a statement waiving all claims. No transportation allowances shall be made by the Superintendent for expenses incurred with respect to field trips or excursions that have an out-of-state destination. A school district that transports pupils, teachers, or other employees of the district in school buses within the state and to destinations within the state, pursuant to the provisions of this section, shall report to the Superintendent on forms prescribed by him or her the total mileage of school buses used in connection with educational excursions. In computing the allowance to a school district for regular transportation there shall be deducted from that allowance an amount equal to the depreciation of school buses used for the transportation in accordance with rules and regulations adopted by the Superintendent.

Outcome Rationale: Elk Grove Unified School District requests a waiver to allow approximately 30 FFA students from Elk Grove, Florin, Pleasant Grove, and Sheldon high schools to participate in the national FFA convention October 22-31, 2017, in Indianapolis, Indiana, escorted by their FFA teachers/advisors. FFA is a Career Technical Student Organization (CTSO) sanctioned by the federal Carl Perkins program and the California Department of Education (CDE) as a provider of leadership development and curriculum.

The Department of College and Career Options, therefore, is requesting a public hearing for a general waiver that will allow the use of federal Carl Perkins and state Agricultural Incentive grants, Associated Student Body funds, and the district-managed Toyota Corporation National FFA Grant. Use of funds will support student conference registration, travel, and related FFA chaperone costs.

The Waiver will allow the school district to use funds as stated above to support the students who would not otherwise have had the funds to attend. The cost of this trip is approximately $1,500 per student and $1,900 per chaperone.

Student Population: 62000

City Type: Suburban

Public Hearing Date: 9/19/2017
Public Hearing Advertised: Notices posted at the District Office, the District website.

Local Board Approval Date: 9/19/2017

Community Council Reviewed By: See attached Approvals Review document
Community Council Reviewed Date: 8/24/2017
Community Council Objection: No
Community Council Objection Explanation: *None*

Audit Penalty: No

Categorical Program Monitoring: No

Submitted by: Ms. Carrie Hargis
Position: Director of Fiscal Services
E-mail: chargis@egusd.net
Telephone: 916-686-7770
Fax: *None*

Bargaining Unit Date: 10/16/2017
Name: Elk Grove Education Association
Representative: Ken Poppers
Title: Associate Director
Position: Support
Comments: *None*

# Attachment 3: Ontario-Montclair Unified School District General Waiver Request

**California Department of Education
WAIVER SUBMISSION – General**

CD Code: 3667819
Waiver Number: 6-9-2017
Active Year: 2017

Date In: 9/15/2017 9:07:25 AM

Local Education Agency: Ontario-Montclair Unified School District
Address: 950 West D St. Rancho Cucamonga, CA 91701

Start: 7/1/2016
End: 6/30/2017

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

Waiver Topic: Out-of-State Use of Funds and Transportation Allowances
Ed Code Title: Out-of-State Use of Funds and Transportation Allowances
Ed Code Section: 35330(b)(3)
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: [No expenses of pupils participating in a field trip or excursion to other state, District of Columbia, or a foreign country authorized by this section shall be paid with school district funds.]

Outcome Rationale: See attachment.

Student Population: 21843

City Type: Urban

Public Hearing Date: 9/14/2017
Public Hearing Advertised: Posted at District office, on district webpage and at each school site for 10 days.

Local Board Approval Date: 9/14/2017

Community Council Reviewed By: School Site Council
Community Council Reviewed Date: 8/30/2017
Community Council Objection: No
Community Council Objection Explanation: *None*

Audit Penalty: No

Categorical Program Monitoring: No

Submitted by: Ms. Tammy Lipschultz
Position: Assistant Superintendent Learning & Teaching
E-mail: tammy.lipschultz@omsd.net
Telephone: 909-418-6436
Fax: 909-851-0106

Bargaining Unit Date: 06/20/2017
Name: CSEA
Representative: Ida Allen
Title: President
Position: Support
Comments: None

Bargaining Unit Date: 06/20/2017
Name: OMTA
Representative: Mary Kay Scheid
Title: President
Position: Support
Comments: None