

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

Extended School Year

# California State Board of Education January 2018 AgendaItem #W-16

## Subject

Request by **Red Bluff Union Elementary School District** to waive *California Code of Regulations,* Title 5, Section 3043(d), which requires a minimum of 20 school days for an extended school year (summer school) for students with disabilities.

## Waiver Number

## 12-10-2017

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Red Bluff Union Elementary School District (RBUESD) requests to be allowed to provide instruction in fewer than the 20 school days required by law for extended school year (ESY). The RBUESD proposes an alternate schedule that will allow provision of the minimum number of hours required, but in fewer days.

## Authority for Waiver

*Education Code (EC)* Section 33050

## Recommendation

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

The California Department of Education recommends that the State Board of Education (SBE) approve the request from the RBUESD to provide ESY services for fewer than 20 days with the condition that instructional hours are consistent with those provided to the general education enrollment at the same grade level unless an individualized education program (IEP) specifies otherwise. Also, special education and related services offered during the ESY period must be comparable in standards, scope, and quality to the special education program offered during the regular academic year as required by *California Code of Regulations,* Title 5, Section 3043.

## Summary of Key Issues

The RBUESD proposes to provide ESY services using a 15-day schedule of five and a half hours of instruction per day. The ESY program will run June 11–June 29, 2018, and will provide a total of 82.5 hours of instruction. The proposed schedule provides more minutes of instruction than a typical ESY schedule and better aligns with the regular school year schedule. The shortened schedule will likely help the RBUESD to hire highly qualified teachers and staff for the ESY program, and fewer days will result in substantial savings in transportation, utilities, custodial services, food services, and clerical costs.

**Demographic Information:** The RBUESD has a student population of 2,043 and is located in a rural area in Tehama 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](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&).

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

In the past, the SBE approved waivers to allow school districts to provide the required minimum amount of instruction in fewer days during the ESY for students with disabilities.

ESY is the term for the education of students with disabilities “between the close of one academic year and the beginning of the next,” similar to a summer school. The ESY must be provided for each student with a disability whose IEP requires it. Local educational agencies may request a waiver to provide an ESY program for fewer days than the traditional mode.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:**  Red Bluff Union Elementary School District General Waiver Request 12-10-2017 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 41402

| **Waiver Number** | **District** | **Period of Request** | **District’s Request** | **CDE Recommended** | **Bargaining Unit Representatives Consulted, Date and Position** | **Local Board and Public Hearing Approval** | **Penalty Without Waiver** | **Previous Waivers** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 12-10-2017 | Red Bluff Union Elementary School District | **Requested:** June 11, 2017, to June 29, 2018**Recommended:** June 11, 2018, to June 29, 2018 | To provide a 15-day ESY program instead of a 20 day ESY program | Approval with conditions to allow the LEA to provide a 15-day ESY program instead of a 20 day ESY program | Red Bluff Elementary Educators Association, Catherine Piffero President 10/2/2017 **Support** | 10/17/2017 **No Objections** | The LEA may not provide a 15-day ESY program | 3-19-2017 |

Created by California Department of Education
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# Attachment 2: Red Bluff Union Elementary School District General Waiver Request 12-10-2017

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 5271621

Waiver Number: 12-10-2017

Active Year: 2017

Date In: 10/18/2017 10:44:16 AM

Local Education Agency: Red Bluff Union Elementary

Address: 1755 Airport Blvd., Administration Bldg.

Red Bluff, CA 96080

Start: 6/11/2017

End: 6/29/2018

Waiver Renewal: Yes

Previous Waiver Number: 1-11-2016-W-11

Previous SBE Approval Date: 3/9/2017

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: T5*CCR* 3043(d)

Ed Code Authority: *CCR*

Ed Code or *CCR* to Waive: An extended year program shall be provided for a minimum of [20] 15 instructional days, including holidays. (Change 20 instructional days to 15)

Outcome Rationale: This is a renewal waiver that allows us to operate Extended School Year for special education students for 15 days instead of 20. The rationale is as follows: The financial crisis in California has led us to look at how we can provide services in a smarter and leaner fashion. The district is requesting a waiver to allow us to operate Extended School Year to operate for 15 days total. The K-8 program will operate for 5.5 hours per day vs. 4 hours per day rather than the traditional 20 day program with three hours of instruction. The hours per day, per program, will actually increase the minutes of instruction over the Extended School Year and will align better with the typical school day for all grade levels served. Additionally, this schedule will increase the likelihood that highly qualified and trained classroom teachers and staff will apply to work during this time. All special education and related services offered during the extended year period will be comparable in standards, scope and quality of those offered during the regular academic year as required by the *California Code of Regulations*, T5*CCR* 3043(d). Given the current fiscal crisis in California, fewer ESY days will result in substantial savings in transportation, utilities, custodial, food services, administration and clerical costs.

Student Population: 2043

City Type: Rural

Public Hearing Date: 10/17/2017

Public Hearing Advertised: Notice posted at each school site, at the district office, website, and in the local newspaper 10 days in advance of the public hearing

Local Board Approval Date: 10/17/201

Community Council Reviewed By: Governing Board

Community Council Reviewed Date: 10/17/2017

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty YN: No

Categorical Program Monitoring: No

Submitted by: Mr. Cliff Curry

Position: Superintendent

E-mail: ccurry@rbuesd.org

Telephone: 530-527-7200 x104

Fax: *(None)*

Bargaining Unit Date: 10/02/2017

Name: Red Bluff Elementary Educators Association

Representative: Catherine Piffero

Title: Union President

Position: Support

Comments*: (None)*