

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of Education January 2018 Agenda Item #W-19

## Subject

Request by **Madera Unified School District** to waive portions of California *Education Code* Section 48663(a), relating to community day school minimum instructional minutes.

## Waiver Number

1-10-2017

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by Madera Unified School District (USD) to waive portions of California *Education Code (EC)* Section 48663(a), relating to community day school (CDS) minimum instructional minutes.

## Authority for Waiver

*EC* Section 33050

**Recommendation**

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

To reduce instructional minutes on seven days during the school year to 240 instructional minutes for purposes of implementing collaborative professional learning communities, with the commitment to provide 25 additional instructional minutes for a total of 385 instructional minutes per day during all other days.

## Summary of Key Issues

*EC* Section 48663(a) states that CDSs have a minimum instructional day of 360 minutes. Madera USD is requesting this waiver to be able to include the Ripperdan CDS teachers/administrator in regularly scheduled professional learning community discussions and districtwide professional development. The district maintains that this approach has been very successful in the past year in allowing the district to provide consistency and better quality in instructional strategies at all sites.

In their waiver application, the District stated “Madera Unified School District would like the teachers from Ripperdan Community Day School to participate in Professional Development training with other district teachers that will occur 8 times this school year on a Monday (no more than one time per month). Students would be released at 12:30 p.m. instead of their normal 3:30 p.m. release time on these dates. This would mean a 240 minute day for these 8 early outs. Therefore, we must submit a waiver to reduce instructional minutes but the process must first be approved by our School Board. Currently, Ripperdan’s regular instructional day goes from 8:20 to 3:30 p.m. for a 385 instructional minute day. This is 25 minutes above the minimum 360 daily instructional minutes required by CDE thus earning Ripperdan the minutes needed to be above the minimum.” After the District submitted the waiver request, they informed the CDE that their plans had been amended to only hold seven of these reduced days for professional development during the period of the waiver.”

The supporting calculations demonstrate that students would actually receive additional instructional time under the conditions of the waiver. Reducing instructional minutes on seven days during the school year to 240 instructional minutes for purposes of implementing collaborative professional learning communities, with the commitment to provide 25 additional instructional minutes 173 days for a total of 385 instructional minutes per day during all other days. This plan would provide a net of more than 2,350 additional instructional minutes over the course of the year compared to statutory requirements.

The local board voted unanimously to request the waiver. The Madera Unified Teachers Association supports the waiver through its president David Holder. While the district does not have a community council connected to the CDS, there were no objections raised by community stakeholders during the public hearing at the local board meeting.

**Demographic Information:** Madera USD has a student population of 20,749 and is located in a small city in Madera County.

**Because this is a general waiver, if the State Board of Education 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 previous waiver requests of the minimum instructional day in a CDS where the district agreed that, if instructional minutes were reduced, other days would be extended so that the total instructional minutes provided to students would equal or exceed the total as normally provided under statute.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver renewal.

## Attachment(s)

* **Attachment 1:** Summary Table of Community Day School State Board of Education Waiver (1 page)
* **Attachment 2:** Madera Unified School District General Waiver Request 1-10-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* Section 48661(a)

| **Waiver**  **Number** | **District Name,**  **Size of District,**  **and**  **Local Board**  **Approval Date** | **Period of Request** | **If granted, this waiver will be "permanent"**  **per *EC* Section 33501(b)** | **Bargaining Unit Name and Representative,**  **Date of Action,**  **and Position** | **Advisory Committee/Schoolsite Council Name,**  **Date of Review**  **and Any Objections** |
| --- | --- | --- | --- | --- | --- |
| 1-10-17 | Madera Unified School District (USD)  20,749  Total Students  55  Students in Ripperdan Community Day School (CDS)  September 26, 2017 | **Requested:**  August 14, 2017  through  June 7, 2018  **Recommended:**  August 14, 2017  through  June 7, 2018 | NO | Madera Unified Teachers Association  David Holder,  President  October 4, 2017  **Support** | No School Site Council (The CDS does not receive Title I funds. While the district does not have a community council connected to the CDS, there were no objections raised by community stakeholders during the public hearing at the local board meeting.) |

Created by California Department of Education

November 28, 2017

# Attachment 2: Madera Unified School District General Waiver Request 1-10-2017

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2065243

Waiver Number: 1-10-2017

Active Year: 2017

Date In: 10/2/2017 4:13:39 PM

Local Education Agency: Madera Unified School District

Address: 1902 Howard Rd.

Madera, Ca 93637

Start: 8/14/2017

End: 6/7/2018

Waiver Renewal: No

Previous Waiver Number: *(None)*

Previous SBE Approval Date: *(None)*

Waiver Topic: Community Day Schools (CDS)

Ed Code Title: Minimum School Day

Ed Code Section: 48663 Community Day Schools

Ed Code Authority: California *Education Code* - Article 3

Ed Code or *CCR* to Waive: (a) The minimum school day in a CDS is 360 minutes of instruction provided by a certificated employee of the district reporting the attendance of the pupils for apportionment funding.

Outcome Rationale: Ripperdan Community Day School - CDS Code 20-65243-0131086

School Student Population - 48 Students

Madera Unified School District would like teachers from Ripperdan Community Day School to participate in Professional Development training with other district teachers that will occure 8 times this school year on a Monday (no more than one time per month). Students would be released at 12:30 p.m. instead of their normal 3:30 p.m. release time on these dates. This would mean a 240 minute day for these 8 early out days. We actually canceled the first early out for Ripperdan teachers until we could approve the waiver process through the school district. Therefore, we are asking for a waiver for 7 early out days for the school year. See the attachments for the presentation to the school board and final approval by the school board of this process.

Ripperdan's regular instructional day goes from 8:20-3:30 pm for a 385 instructional minute day. This is 25 minutes above the minimum 360 daily minutes required earning Ripperdan the minutes needed to be above the yearly minimum minutes. The CDS required minutes of 360 minutes for 180 days has a total of 64,800 minutes. Ripperdan's current instructional minutes would be 68,130 minutes without the 7 additional early out days. This is 3,330 minutes above the minimum of 64,800. If the waiver is approved, Ripperdan would not go below the minimum minutes of 64,800 minutes. As explained in the attachments, if approved, Ripperdan would continue to be above the minimum yearly total minutes of 64,800. They would have a total of 67,145 minutes which is 2,345 minutes above the yearly total.

Student Population: 20,749

City Type: Small

Public Hearing Date: 9/26/2017

Public Hearing Advertised: Agenda was posted in district office window and publicized online on the district website.

Local Board Approval Date: 9/26/2017

Community Council Reviewed By: Madera Unified School District Board of Trustees

Community Council Reviewed Date: 9/26/2017

Community Council Objection: No

Community Council Objection Explanation: *(None)*

Audit Penalty YN: No

Categorical Program Monitoring: No

Submitted by: Mr. Jesse Carrasco

Position: Chief Academic Officer

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Bargaining Unit Date: October 4, 2017

Name: Madera Unified Teachers Association - MUTA

Representative: David Holder

Title: MUTA President

Position: Support

Comments: Approval is based on feedback with MUTA President meeting with teachers from the site during their late start on October 4, 2017.  Teachers were initially consulted with in August, 2017 and wanted to go forward with professional development plan.