California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of Education January 2019 Agenda Item #W-03

## Subject

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

**Waiver Number**

18-9-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by Madera Unified School District (USD) for a renewal waiver of 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

The California Department of Education (CDE) recommends approval of this waiver with the following conditions:

* Ripperdan CDS operated by the Madera USD will reduce the instructional minutes provided to students on one Monday per month (seven days during the remainder of the 2018–19 school year) to 240 instructional minutes for purposes of implementing collaborative professional learning communities.
* Madera USD will provide 25 additional instructional minutes above the statutory requirement for a total of 385 instructional minutes per day during all other days, except for Thursdays, on which it will provide the statutory 360 instructional minutes.

## 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.

Students would be released at 12:30 p.m. one day a month on a Monday (for seven months remaining in the 2018–19 school year). With an adjustment in the lunch and break schedule, this would mean a 240 minute day for Professional Development days.

The Ripperdan CDS’s regular instructional day goes from 8:20 a.m. to 3:30 p.m. for a 385 instructional minute day. This is 25 minutes above the minimum 360 daily minutes required.  On Thursdays, the school day begins at 8:15 a.m. and ends at 2:50 p.m. This is the statutory 360 minute day. For the purposes of this waiver, the one day a month (Monday) Professional Development day would be at 240 minutes, leaving a deficit of 120 minutes on that day. The minutes will be made up during the rest of the regular days during the month.

In addition, the yearly instructional minutes will be above the yearly statutory goal of 64,800 minutes. The CDS statutory required minutes of 360 minutes for 180 days has a total of 64,800 minutes. If approved, Ripperdan CDS would be providing a total of 67,310 minutes, which is 2,510 minutes above the statutory yearly total.

Ripperdan CDS has successfully operated during the 2017–18 school year in accordance with the initial waiver of minimum instructional minutes that provided for the operation of one Professional Development day each month.

The local board voted unanimously to request renewal of 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 20,915 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 State Board of Education 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 18-9-2018 (2 pages) (Original Waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Ripperdan Instructional Minutes Schedule (1 page)
* **Attachment 4:** Ripperdan Community Day School Bell Schedule 2018–19 (1 page)

# Attachment 1: Summary Table

California *Education Code* Section 48663(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 |
| --- | --- | --- | --- | --- | --- |
| 18-9-2018 | Madera Unified School District  20,915 Students  53 Students in Community Day School  September 25, 2018 | **Requested:** June 8, 2018 through August 13, 2019  **Recommended:** June 9, 2018 through August 13, 2019 | NO  **Previous Waiver:** August 14, 2017 through June 7, 2018 | Madera Unified Teachers Association David Holder, President September 25, 2018 **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

October 26, 2018

# Attachment 2: Madera Unified School District General Waiver Request 18-9-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2065243

Waiver Number: 18-9-2018

Active Year: 2018

Date In: 9/28/2018 10:01:44 AM

Local Education Agency: Madera Unified School District

Address: 1902 Howard Rd.

Madera, CA 93637

Start: 6/8/2018

End: 8/13/2019

Waiver Renewal: Yes

Previous Waiver Number: 1-10-2017-W-19

Previous SBE Approval Date: 1/18/2018

Waiver Topic: Community Day Schools (CDS)

Ed Code Title: Minimum School Day

Ed Code Section: 48663

Ed Code Authority: 33050

*Education 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 - 53 Students

Madera Unified School District would like teachers from Ripperdan Community Day School to continue participating in Professional Development training seven times this school year beginning in October. Students would be released at 12:30 p.m. instead of their normal 3:30 p.m. release time one day a month for seven months. With an adjustment in the lunch and break schedule, this would mean a 240 minute day for these seven early outs. Therefore, we are asking for the waiver to continue for 7 early out days for the school year. See the attachment of the Board approved documents. 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 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 of 64,800 minutes. As explained in the attachment, if approved, Ripperdan would continue to be above the minimum yearly total minutes of 64,800. That would be a total of 67,115 minutes which is 2,315 minutes above the yearly total.

Student Population: 20915

City Type: Small

Public Hearing Date: 9/25/2018

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

Local Board Approval Date: 9/25/2018

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

Community Council Reviewed Date: 9/25/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Jesse Carrasco

Position: Chief Academic Officer

E-mail: [jessecarrasco@maderausd.org](mailto:jessecarrasco@maderausd.org)

Telephone: 559-675-4500 x245

Fax: 559-675-3288

# Attachment 3: Ripperdan Instructional Minutes Schedule

## Current Instructional Minutes

**Regular Day**

8:20 a.m.–3:30 p.m.

10 min Break

35 min Lunch

**Thursdays**

8:15 a.m.–2:50 p.m.

5 min Break

30 min Lunch

**Proposed Professional   
Development (1 Monday per Month)**

8:20 a.m.–12:30 p.m.

10 min Break

Lunch (12:30–1:00 p.m.)

**Required Minutes 360 min X 180 days = 64,800 minutes**

Regular Day 360 min X 142 days = 54,670 minutes

Thursdays 360 min X 38 days = 13,680 minutes

**Total Minutes 180 days = 68,350 minutes**

**Difference + 3,550 minutes**

## With Additional Early Outs for Professional Development

**Required Minutes 360 min X 180 days = 64,800 minutes**

Regular Day 385 min X 134 days = 51,590 minutes

Thursdays 360 min X 39 days = 14,040 minutes

Early Out PD 240 min X 7 days = 1,680 minutes

**Total Minutes 180 days = 67,310 minutes**

**Difference + 2,510 minutes**

# Attachment 4: Ripperdan Community Day School Bell Schedule 2018–19

## Regular Day

| **Session** | **Time** |
| --- | --- |
| 1st | 8:20–9:20 |
| 2nd | 9:25–10:25 |
| Break | 10:25–10:35 |
| 3rd | 10:40–11:40 |
| 4th/or | 11:45.–12:45 |
| 1st Lunch | 11:40–12:15 |
| 4th/or | 12:20–1:20 |
| 2nd Lunch | 12:45–1:20 |
| 5th | 1:25–2:25 |
| 6th | 2:30–3:30 |

## Thursday

| **Session** | **Time** |
| --- | --- |
| 1st | 8:15–9:10 |
| 2nd | 9:15–10:10 |
| Break | 10:10–10:15 |
| 3rd | 10:20–11:15 |
| 4th HS | 11:20–12:15 |
| 1st Lunch | 11:15–11:45 |
| 4th MS | 11:50–12:45 |
| 2nd Lunch | 12:15–12:45 |
| 5th | 12:50–1:45 |
| 6th | 1:50–2:50 |