

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Specific Waiver

# California State Board of Education May 2019 Agenda Item #W-02

## Subject

Request by **Golden Valley Unified School District** under the authority of the California *Education Code (EC)* Section 46206(a), to waive *EC* Section 46201, the audit penalty for offering insufficient instructional minutes during the 2017–18 school year.

## Waiver Number

11-2-2019

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Golden Valley Unified School District (GVUSD) is requesting that the California State Board of Education (SBE) waive the instructional time requirement audit penalty. The GVUSD was short 691 minutes for the 2017–18 school year. Per *EC* Section 46206(a), the SBE may waive the fiscal penalties for a school district, county office of education, or charter school 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 the SBE approve this waiver on the condition that GVUSD maintains increased instructional minutes of at least the amount required by law plus the 691 minutes GVUSD failed to offer for a period of two years beginning in 2018–19 through 2019–20 and GVUSD reports the annual instructional minutes offered in their annual audit report. If these conditions are not met, the penalty will be reinstated.

**Summary of Key Issues**

During an audit of instructional time for 2017–18, it was discovered that Liberty High School failed to offer the required 64,800 annual minutes by 691 minutes. Adjustments to the schedule were made in order to accommodate transportation issues, which were then entered into the spreadsheet used to calculate instructional minutes. The change to the spreadsheet altered formulas used, leading to a miscalculation of the instructional minutes and resulting in a shortage of 691 minutes for Liberty High School.

GVUSD would like to use school years 2018–19 and 2019–20 to make up the shortfall of the instructional minutes. GVUSD submitted documentation showing Liberty High School will offer additional minutes during the 2018–19 and 2019–20 school years to comply with the terms of the waiver.

**Demographic Information:**

GVUSD has a student population of 1,940 and is located in a rural area in Madera 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**

The GVUSD 2017–18 penalty amount of $53,232 is calculated as follows (some differences due to rounding):

* The average daily attendance of 586.85 for all students in grades nine through twelve multiplied by the district’s funding rate of $8,477.39 (transition rate) is equal to the district’s Local Control Funding Formula (LCFF) apportionment of $4,974,956.
* A shortfall of 691 instructional minutes for grades nine through twelve divided by the 64,800 minute requirement is equal to 1.07 percent of minutes not offered.
* The affected LCFF apportionment of $4,974,956 multiplied by the percentage of minutes not offered is equal to the penalty amount of $53,232.

**Attachment(s)**

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** GVUSD Specific Waiver Request 11-2-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 46201

| **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** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 11-2-2019 | Golden Valley Unified School District | **Requested:**  July 1, 2017, to June 30, 2018  **Recommended:**  July 1, 2017, to June 30, 2018 | District requests waiving EC Section 46201 to avoid the audit penalty in exchange for offering increased instructional minutes in 2018–19 and 2019–20, consistent with EC Section 46206. | **Approval** of waiver, consistent with *EC* Section 46206 with the following conditions:  (1) District maintains increased instructional minutes at Liberty High School of at least the amount required by law plus 619 minutes for a period of two years beginning in 2018–19 through 2019–20, and (2) District reports the annual instructional days offered at Liberty High School in its annual audit report. | Sean Tovsrud, President  Golden Valley Teachers Association  February 21, 2019  **Neutral** | Local Board Approval  February 12, 2019 | $53,232 | None |

# Attachment 2: Golden Valley Unified School District Specific Waiver Request 11-2-2019

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 2075580

Waiver Number: 11-2-2019

Active Year: 2019

Date In: 2/13/2019 9:17:59 AM

Local Education Agency: Golden Valley Unified School District

Address: 37479 Avenue 12

Madera, CA 93636

Start: 7/1/2017

End: 6/30/2018

Waiver Renewal: No

Waiver Topic: Instructional Time Requirement Audit Penalty

Ed Code Title: Fallen Below 180 Days

Ed Code Section: 46201

Ed Code Authority: 46206

Ed Code or *CCR* to Waive: 46206(b) For fiscal penalties incurred as a result of a shortfall on instructional time in the 2000–01 fiscal year or thereafter, a waiver may only be granted pursuant to subdivision (a) 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 prescribed minimum length of time for the instructional school year, minimum number of instructional days for the school year following the year, or both, commencing not later than the school year following the year in which the waiver was granted and continuing for each succeeding school year until the condition is satisfied.

Outcome Rationale: During an audit of instructional minutes for 2017-18, it was discovered that Liberty High School failed to offer the required number of minutes for grades nine through twelve.

When adjusting starting and ending times to accommodate transportation issues, the spreadsheet the district uses to calculate instructional minutes was altered. The formulas were deleted and therefore did not accurately reflect the number of minutes being offered. Liberty High School fell 691 minutes short of the 84,600 minute requirement.

Golden Valley Unified School District would like to use school years 2018-19 and 2019-20 to make up the shortfall of instructional minutes. For the 2018-19 school year, the instructional minutes were increased by 1,615 minutes from the 17-18 school year for a total minute calculation of 65,724. This schedule will be followed for the 2018-19 school year as well as the 2019-2020 school year.

Student Population: 1940

City Type: Rural

Local Board Approval Date: 2/12/2019

Audit Penalty Yes or No: Yes

Categorical Program Monitoring: No

Submitted by: Mr. Kevin Hatch

Position: Assistant Superintendent of Educational Services

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