

California Department of Education

Executive Office

SBE-005 (REV. 1/2021)

General Waiver

# California State Board of Education July 2023 Agenda Item #W-11

## Subject

Request by **Greenfield Union 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

6-2-2023

## Type of Action

Action, Consent

## Summary of the Issue(s)

The local educational agency (LEA) requested to provide instruction in fewer than the 20 school days required by law for extended school year (ESY). The LEA had an alternate schedule that allowed them to provide the minimum number of hours required, but in fewer days.

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 individualized education program (IEP) requires it. LEAs may request a waiver to provide an ESY program for fewer days than the traditional mode.

## Authority for Waiver

*Education Code (EC)* Section 33050

## Recommendation

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

The California Department of Education (CDE) recommends the State Board of Education (SBE) approve the request from the LEA to provide ESY services for fewer than 20 days, from June 6, 2023, to June 30, 2023. The CDE recommends no conditions at this time since this waiver is retroactive and the LEA met all the conditions that the CDE would have recommended as a condition of approval of the waiver, as described below. Specifically, CDE has verified that school day hours were consistent with those provided to the general education enrollment at the same grade level unless an IEP specifies otherwise, and that special education and related services offered during the ESY period were comparable in standards, scope, and quality to the special education program offered during the regular academic year as required by *CCR,* Title 5, Section 3043.

## Summary of Key Issues

### Greenfield Union School District (GUSD)

The GUSD requested a reduced Extended School Year Program schedule that allowed the district to operate their program for a total of 19 days in June 2023, from June 6, 2023 to June 30, 2023. The GUSD stated that the ESY program provided more instructional continuity between general education and special education services and allowed students with disabilities the opportunity to participate in educational experiences along with their nondisabled peers. Per the GUSD, the shortened schedule helped the District secure the employment of highly qualified and trained classroom teachers and staff who work with students during the typical school year. In addition, the GUSD stated the shortened schedule provided the LEA with a cost savings benefit on transportation, utilities, custodial services, and food services.

CDE verified that GUSD’s ESY program operated for 5 hours per day, five days per week (Monday through Friday, exclusive of the Juneteenth holiday) totaling 95 hours. This is more hours than if GUSD provided the ESY program for 20 days. CDE verified that the 5 hours per day of the ESY program aligned with GUSD’s general education summer school program hours.

Demographic Information: GUSD has a student population of 9,205 and is located in an urban area in Kern County

**Because these are general waivers, if the SBE decides to deny the waivers, it must cite one of the seven reasons in *EC* Section 33051(a), available on the California Legislation Information web page at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=33051.&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.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval. However, in order for an LEA to qualify for average daily attendance (ADA) revenues for extended year pupils, LEAs must comply with the ADA requirements in *California Code of Regulations (CCR)*, Title 5, Section 3043(f).

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2****:** Greenfield Union School District General Waiver Request   
  6-2-2023 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

*California Code of Regulations,* Title 5, Section 3043(d)

| Waiver Number | District | Period of Request | District’s Request | CDE Recommendation | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 6-2-2023 | Greenfield Union School District | **Requested:**  June 6, 2023, to June 30, 2023  **Recommended:**  June 6, 2023, to June 30, 2023 | To provide a 19-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  19-day ESY program instead of a 20-day ESY program | California School Employees Association,  Theresa Flaherty  President  12/23/2022  Support  Greenfield Union Teachers Association, Ashley Dawson President  12/23/2022  Neutral | 1/11/2023 | The LEA may not provide a 19-day  ESY program |

Created by the California Department of Education

May 2023

# Attachment 2: Waiver 6-2-2023 Greenfield Union School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1563503

Waiver Number: 6-2-2023

Active Year: 2023

Date In: 2/16/2023 12:27:34 PM

Local Education Agency: Greenfield Union

Address: 1624 Fairview Rd.

Bakersfield, CA 93307

Start: 6/6/2023

End: 6/30/2023

Waiver Renewal: Yes

Previous Waiver Number: 9-1-2022-W-06

Previous SBE Approval Date: 7/13/2022

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: CCR, Title 5, Section 3043(d)

Ed Code Authority: 33050

Education Code or CCR to Waive: [An extended year program shall be provided for a minimum of 20 instructional days, including holidays]

Outcome Rationale: The Greenfield Union School District (District) requests an alternate Extended School Year (ESY) schedule that will allow the District to provide a 19-day, 5 hour per day instructional program (19x5=95 hours). The District will offer ESY Monday through Friday starting Tuesday, June 6, 2023 through June 30, 2023 which includes the June 19th holiday. Students who participate in ESY will receive the same educational minutes as students who participate in the District general education Summer School program. The schedule will help the District secure the employment of highly qualified and trained classroom teachers and staff that work with students during the typical school year. By offering an ESY program that mirrors the dates and times of the District general education Summer School program there will be more instructional continuity between general education and special education services allowing students with disabilities the opportunity to participate in educational experiences along with their nondisabled peers. This model provides the unintended benefit of cost-effective services within the classrooms and reduces related costs for transportation, utilities, custodial services, food services, etc.

Student Population: 339

City Type: Urban

Public Hearing Date: 1/11/2023

Public Hearing Advertised: A notice was posted at the District Office, at each school site, and on the District website.

Local Board Approval Date: 1/11/2023

Community Council Reviewed By: District Advisory Committee and District English Language Advisory Committee

Community Council Reviewed Date: 10/27/2022

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Laura Amason

Position: Assistant Director, Support Services

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Bargaining Unit Date: 12/23/2022

Name: California School Employees Association

Representative: Theresa Flaherty

Title: President

Phone: 661-837-6040

Position: Neutral

Bargaining Unit Date: 12/23/2022

Name: Greenfield Union Teachers Association

Representative: Ashley Dawson

Title: President

Phone: 661-837-6190

Position: Neutral