

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education January 2024 Agenda Item #W-02

## Subject

Request by **Jefferson Union High School District** to waive portions of the California *Education Code* Section 60800(a) Relating to Physical Fitness Testing, Specifically the Testing Window of February 1 through May 31, to be Moved to Fall Semester Physical Education Classes.

## Waiver Number

3-8-2023

## Type of Action

Action, Consent

## Summary of the Issue(s)

Jefferson Union High School District (Jefferson Union High) is seeking waiver status to administer the Physical Fitness Test (PFT) outside the administration window of February 1 through May 31. Jefferson Union High operates on a 4x4 block schedule which prevents grade nine students enrolled in physical education (PE) during the fall semester from participating in the mandated PFT administration window.

**Authority for Waiver**

California *Education Code* (*EC*) Section 33050

## Recommendation

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

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve Jefferson Union High’s request that the PFT administration window be moved to the district’s fall semester beginning August 8, 2023, through May 31, 2024. *EC* Section 33051(b) will apply, and the district will not be required to reapply if the information contained in this request remains the same.

**Summary of Key Issues**

*EC* Section 60800(a) requires that, during the months of February, March, April, or May, the governing board of each school district maintaining any of grades five, seven, and nine administer to each student in those grades the physical performance test designated by the SBE.

Jefferson Union High operates a 4x4 block schedule and has grade nine students enrolled in PE for one semester during the fall months. The approval of this waiver will allow Jefferson Union High to administer the PFT to students in the fall, in PE class, which is the most appropriate class for incorporating physical performance testing.

Jefferson Union High has a student population of 4,326 and is located in a suburban area in San Mateo County.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons set forth 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

In March 2023, the SBE approved a waiver for Roseville Joint Union High’s PFT administration window to be moved to the fall semester for the 2022–24 academic year (<https://www.cde.ca.gov/be/ag/ag/yr23/documents/mar23w12.docx>).

In September 2022, the SBE approved a waiver for Del Norte County Unified School District’s PFT administration window to be moved to the fall semester for the 2022–23 academic year (<https://www.cde.ca.gov/be/ag/ag/yr22/documents/sep22w09.docx>).

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* Attachment 1: Summary Table (1 page)
* Attachment 2: Waiver 3-8-2023 Jefferson Union High (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

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# Attachment 1: Summary Table

Table 1 below includes actions taken to date in relation to Waiver Number 3-8-2023 in light of California *Education Code* Section 60800(a).

**Table 1. Summary of Actions Related to Waiver Number 3-8-2023**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Waiver**  **Number** | **District Name** | **Period of Request** | **Local Board and Public Hearing Date** | **Certificated Bargaining Unit Name and Representative,**  **Date of Action,**  **and Position** | **Advisory Committee/**  **School Site Council Name, Date of Review, and any Objections** |
| 3-8-2023 | Jefferson Union High | 8/9/2023  through  5/31/2024 | 2/7/2023 | Zachary Powell, American Federation of Teachers (AFT) Site Labor Management, AFT Local 1481  01/30/2023  **Support** | School Site Council and District School Board  1/27/2023  **No objections** |

Created by California Department of Education

September 2023

# Attachment 2: Waiver 3-8-2023 and Jefferson Union High

CD Code: 4168924

Waiver Number: 3-8-2023

Active Year: 2023

Date In: 8/16/2023 2:03:02 PM

Local Education Agency: Jefferson Union High

Address: 699 Serramonte Blvd., Ste.100

Daly City, CA 94015

Start: 8/9/2023

End: 5/31/2024

Waiver Renewal: No

Waiver Topic: Physical Fitness Testing

Ed Code Title: Physical Fitness Testing

Ed Code Section: *EC* Section 60800

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: a) During the month of February, March, April, or May, the governing board of each school district maintaining any of grades 5, 7, and 9 shall administer to each pupil in those grades the physical performance test designated by the state board.

Outcome Rationale: I am working closely with a CDE Consultant on the PE waiver for block scheduling. In order for students to have adequate preparation for the PFT, students enrolled in PE during the Fall Term should take the PFT at the end of the Fall Term (November/December) and the students enrolled in the Spring Term should take the PFT at the end of the Spring Term (April/May).

Student Population: 584

City Type: Suburban

Public Hearing Date: 2/7/2023

Public Hearing Advertised: Posted on bulletins at all of the school sites including the District Office, City Hall, the public library and the website

Local Board Approval Date: 2/7/2023

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 1/27/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Kareen Baca

Position: Deputy Superintendent of Educational Services

E-mail: [kbaca@jeffersonunion.net](mailto:kbaca@jeffersonunion.net)

Telephone: 650-550-7947

Bargaining Unit Date: 01/30/2023  
Name: American Federation of Teachers Local 1481  
Representative: Zachary Powell  
Title: AFT Site Labor Management  
Phone: 650-550-7700  
Position: Support