

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of Education March 2018 Agenda Item #W-02

## Subject

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

## Waiver Number

16-12-2017

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by Thermalito Union Elementary School District (TUESD) 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

TUESD willreduce instructional minutes on one day each week by 40 minutes to 320 instructional minutes for purposes of implementing collaborative professional learning communities, with the commitment to provide 35 additional instructional minutes during the other days, for a total of 395 instructional minutes per day.

## Summary of Key Issues

*EC* Section 48663(a) states that CDSs have a minimum instructional day of 360 minutes. TUESD is requesting this waiver to be able to provide opportunities for weekly professional development and collaboration among district and site staff. The district and board believe that this professional collaboration time is essential to the continual development of staff at the CDS.

The supporting calculations demonstrate that students at Heritage and Pioneer CDSs would receive 100 additional minutes of instructional time per week under the conditions of the waiver. Reducing instructional minutes on one day per week to 320 instructional minutes for purposes of implementing collaborative professional development, with the commitment to provide 100 additional instructional minutes per week for a total of 395 instructional minutes per day for four days a week, would result in a total of 1,900 instructional minutes weekly. This plan would exceed the required weekly instructional time of 1,800 minutes by 100 minutes, each week.

The TUESD board voted unanimously to maintain the minimum day schedule for TUESD’s CDSs included in this waiver request. The Thermalito Teachers Association and the California School Employees Association support this waiver through their respective presidents, Julie Carr and Rick Meyer. In addition, the School Site Council has no objection to this waiver.

**Demographic Information:** TUESD has a student population of 1,492 students and is located in a rural area in Butte 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:** Thermalito Union Elementary School District General Waiver Request 16-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# 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 |
| --- | --- | --- | --- | --- | --- |
| 16-12-2017 | Thermalito Union Elementary School District (TUESD)  1,492 Students  25 Students in Heritage Community Day School (CDS)  14 Students in Pioneer CDS  September 28, 2017 | **Requested:**  July 1, 2015 through June 30, 2018  **Recommended:**  July 1, 2017 through June 30, 2018 | No | TUESD Teachers Association  Julie Carr, President  September 21, 2017  **Support**  California School Employees Association  Rick Meyer, President  September 28, 2017  **Support** | School Site Council  December 7, 2017  **No Objection** |

Created by California Department of Education

January 11, 2018

# Attachment 2: Thermalito Union Elementary School District General Waiver Request 28-12-2017

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 0461549

Waiver Number: 16-12-2017

Active Year: 2017

Date In: 12/13/2017 4:53:18 PM

Local Education Agency: Thermalito Union Elementary School District

Address: 400 Grand Ave.

Oroville, CA 95965

Start: 7/1/2015

End: 6/30/2018

Waiver Renewal: No

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: ARTICLE 3. Community Day Schools [48660 - 48666] ( Article 3 added by Stats. 1995, Ch. 974, Sec. 2. )48663.

(a) The minimum schoolday in a community day school is 360 minutes of classroom instruction provided by a certificated employee of the district reporting the attendance of the pupils for apportionment funding.

(b) A pupil enrolled in a community day school may not generate more than one day of community day school attendance credit in a schoolday for any purpose.

(c) For the purposes of calculating the additional funding provided to a school district pursuant to Section 48664, only community day school attendance shall be reported in clock hours. Attendance of less than five clock hours in a schoolday shall be disregarded for purposes of Section 48664. Five clock hours of attendance in one schoolday shall be deemed to be one-half day of attendance, for purposes of additional funding pursuant to Section 48664. Six clock hours or more of attendance in one schoolday shall be deemed to be one day of attendance, for purposes of additional funding pursuant to Section 48664.

(d) Independent study may not be utilized as a means of providing any part of the minimum instructional day provided pursuant to subdivision (a).

(e) A community day school’s academic programs shall be comparable to those available to pupils of a similar age in the school district.

(Amended by Stats. 1998, Ch. 847, Sec. 3. Effective January 1, 1999.)

Outcome Rationale: Outcome Rational Summary

The Thermalito Union Elementary School District (TUESD) runs a Community Day School (CDS) that serves students from grades 1 – 8. The school has been operating on a regular day schedule of 395 minutes total and a minimum day schedule of 320 minutes total. The State requirement is a daily total of 360 minutes. The total amount of minutes that are over each week for the Thermalito CDS is 100 minutes but it is not meeting the States required 360 minutes each day due to the minimum day schedule. The rationale for running a minimum day schedule is to provide professional development (PD) and collaboration amongst the district and site staff. TUESD believes that this PD and collaboration is very important and valuable for staff.

The TUESD Board voted to keep the minimum day schedule for the TUESD CDS because they believe that this time is so essential to the continual development of the staff at CDS. The Board vote was unanimous at 5/0 in favor of continuing this minimum day schedule for the TUESD CDS. In addition, both of the classified unions and certificated unions in the district were in favor of this minimum day schedule as well.

\*Please review the attached CDS schedules and summary of minutes to review the minutes for this site each day.

Student Population: 1492

City Type: Small

Public Hearing Date: 9/28/2017

Public Hearing Advertised: Posted Board Agenda

Local Board Approval Date: 9/28/2017

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 12/7/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Jeff Kuhn

Position: Principal CDS

E-mail: [jkuhn@thermalito.org](mailto:jkuhn@thermalito.org)

Telephone: 530-538-2940 x218

Bargaining Unit Date: 09/21/2017

Name: TUESD Certificated Unit

Representative: Julie Carr

Title: Board President

Position: Support