

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

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

## Subject

Request by **Bass Lake Joint Union Elementary School District** for a waiver of portions of California *Education Code* Section 48663(a) relating to community day school minimum instructional minutes.

## Waiver Number

4-6-2109

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by Bass Lake Joint Union Elementary School District (BLJUESD) for a waiver of portions of California *Education Code (EC)* Section 48663(a) relating to community day school (CDS) minimum instructional minutes.

## Recommendation

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

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

* Fresno Flats CDS operated by the BLJUESD will reduce the instructional minutes provided to students on Mondays to 300 instructional minutes for purposes of implementing collaborative professional learning communities.
* Fresno Flats CDS operated by the BLJUESD will provide 15 additional instructional minutes above the statutory requirement for a total of 375 instructional minutes per day during all other days.

## Summary of Key Issues

*EC* Section 48663(a) states that CDSs have a minimum instructional day of 360 minutes. The BLJUESD is requesting this waiver to be able to include community day school teachers in the regularly scheduled professional learning community discussions and districtwide Professional Development. Fresno Flats CDS will reduce the instructional minutes provided to students on Mondays by one hour to 300 instructional minutes for purposes of implementing collaborative professional learning communities and will provide 15 additional instructional minutes above the statutory requirement for a total of 375 instructional minutes per day during all other days. The result is there will be a gain in the level of support service knowledge for the teacher with no net loss of instructional minutes.

The local board voted unanimously to request the waiver. The California School Employees Association supports the waiver through its president, Shannon Ecklund. The California School Employees Association supports the waiver through its vice-president, Lydia Saldana. The School Site Council had no objections.

**Demographic Information:** BLJUESD has a student population of 890 students and is located in a rural area in Madera County.

**Because this is a general waiver, if the State Board of Education (SBE) decides to deny the waiver, it must cite one of the seven reasons in EC Section 33051(a), available on the legislative information web page 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 SBE has approved several previous waiver requests from unified school districts requesting authorization to permit a CDS to serve students in grades six through twelve, inclusive, allowing the district to serve all of its middle school students in need of CDS services when separate alternative facilities for the sixth grade students are not feasible. The SBE has approved several previous waiver requests from school districts requesting authorization to permit a CDS to be collocated with a continuation high school upon a two-thirds vote of the local board when a separate alternative facility for the CDS was not feasible

## 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 Waivers (1 page)
* **Attachment 2:** Bass Lake Joint Union Elementary School District 4-6-2019 (2 pages). (Original Waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* Section 48663

| WaiverNumber | District Name,Size of District, andLocal BoardApproval 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 Reviewand Any Objections |
| --- | --- | --- | --- | --- | --- |
| 4-6-2019 | Bass Lake Joint Union Elementary School District  890 Students  4 Students in Community Day School  April 10, 2019  5-0 Vote | **Requested:**  March 15, 2019  through  June 30, 2020  **Recommended:**  March 15, 2019  through  June 30, 2020 | No | Bass Lake Teachers Association  Shannon Ecklund,  President  March 15, 2019  **Support**  California School Employees Association  Lydia Saldana, Vice-president  March 15, 2019  **Support** | School Site Council  March 15, 2019  **No Objections** |

Created by California Department of Education

July 8, 2019

# Attachment 2: Bass Lake Joint Elementary School District General Waiver Request 4-6-2019

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2065185

Waiver Number: 4-6-2019

Active Year: 2019

Date In: 6/10/2019 8:48:12 AM

Local Education Agency: Bass Lake Joint Union Elementary

Address: 40096 Indian Springs Rd.

Oakhurst, CA 93644

Start: 3/15/2019

End: 6/30/2020

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

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: "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."

Outcome Rationale: Our district is a small school district and our CDS has only 5 students (sometimes fewer than that). The teacher would benefit from being part of a weekly collaboration during professional development with staff and other teachers at her site. The CDS is located on the campus of a K-8 school which has a minimum day bell schedule every Monday. On that day they dismiss one hour early in order to facilitate teacher professional development and collaboration. Because a CDS is required to have 360 minutes' minimum each day, the teacher would not be able to participate in this professional learning community unless the CDS bell schedule was altered. We are asking for a waiver to adjust the bell schedule to the one hour less on Mondays (300 minutes of instruction) and build in that hour of instruction by extending Tues-Friday 15 minutes each day. Those four 15 minute blocks would equal the 60 minutes reduced on Monday for Professional development. So the students would receive 375 minutes of instruction Tuesday-Friday and 300 minutes of instruction on Monday, and would meet the 360 minutes times 5 days requirement overall.

Student Population: 890

City Type: Rural

Public Hearing Date: 4/10/2019

Public Hearing Advertised: Online and also signs posted at all our sites

Local Board Approval Date: 4/10/2019

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 3/15/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Tara Campanella

Position: Director of Business Services

E-mail: [tcampanella@basslakesd.org](mailto:tcampanella@basslakesd.org)

Telephone: 559-642-1555 x1002

Bargaining Unit Date: 03/15/201  
Name: BLTA (CTA Certificated)  
Representative: Shannon Ecklund  
Title: President