

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education July 2020 Agenda Item #W-03

## Subject

Request by **La Mesa-Spring Valley Elementary School District** to waive California *Education Code* Section 37202, the equity length of time requirement, so that the La Mesa Arts Academy in the La Mesa-Spring Valley School District may offer its seventh and eighth graders an optional period to be used as an extra elective as well as time to provide additional academic support.

## Waiver Number

12-3-2020

## Type of Action

Action, Consent

## Summary of the Issue(s)

The La Mesa-Spring Valley Elementary School District is requesting a waiver of California *Education Code (EC)* Section 37202 that requires the governing board of a school district to maintain all of the elementary day schools established by it for an equal length of time during the school year, and all of the day high schools established by it for an equal length of time during the school year. This will allow the La Mesa Arts Academy (LMAAC) in the La Mesa-Spring Valley School District to offer its seventh and eighth graders an optional period to be used as an extra elective as well as time to provide additional academic support.

**Authority for Waiver**

*EC* Section 33050

## Recommendation

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

## Summary of Key Issues

The La Mesa-Spring Valley Elementary School District is requesting a waiver to offer its seventh and eighth graders an optional period at LMAAC. La Mesa-Spring Valley Elementary School District is a kindergarten through grade eight district. This would result in seventh and eighth graders at LMAAC receiving more instructional minutes than other seventh and eighth graders at other schools in the district.

The LMAAC will use this optional period as an extra elective as well as time to provide additional academic support. Because optional periods are now seen as part of the instructional minutes, La Mesa-Spring Valley Elementary School District would like to request a waiver to allow this to take place.

The California Department of Education (CDE) reviewed the waiver request and determined that there was no opposition to the waiver at the public hearing held by the governing board. The CDE also determined that none of the findings specified in *EC* Section 33051, which authorize denial of a waiver, exist. Thus, the CDE recommends the SBE approve the request by the La Mesa-Spring Valley Elementary School District to waive *EC* Section 37202, which requires school districts to maintain equal lengths of time during the school year for elementary day schools.

**Demographic Information:** LMAAC has a student population of 1,083 and is located in an urban setting in La Mesa, California.

**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

In September 2019, the State Board of Education approved a similar waiver for equity length of time by La Mesa-Spring Valley Elementary School District to waive *EC* Section 37202, the equity length of time requirement for Spring Valley Academy.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table of Equity Length of Time (1 page)
* **Attachment 2:** La Mesa-Spring Valley Elementary School District General Waiver Request (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 37202

| 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/School Site Council Name,Date of Reviewand Any Objections |
| --- | --- | --- | --- | --- | --- |
| 12-3-2020 | La Mesa-Spring Valley Elementary School District  12,400 Students  1,083 Students in La Mesa Arts Academy  March 4, 2020 | **Requested:**  July 1, 2020  through  July 1, 2023  **Recommended:**  July 1, 2020  through  June 29, 2022 | No | La Mesa-Spring Valley Teachers Association  Dennis Blevins,  President  February 14, 2020  **Support** | School Site Council  October 2, 2019  **No Objections** |

Created by California Department of Education

May 13, 2020

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768197

Waiver Number: 12-3-2020

Active Year: 2020

Date In: 3/10/2020 2:33:18 PM

Local Education Agency: La Mesa-Spring Valley

Address: 4750 Date Ave.

La Mesa, CA 91942

Start: 7/1/2020

End: 7/1/2023

Waiver Renewal: No

Waiver Topic: Equity Length of Time

Ed Code Title: Equity Length of Time

Ed Code Section: 37202

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: the governing board of a school district shall maintain all of the elementary day schools established by it for an equal length of time during the school year and all the day high schools establish by it for an equal length of time during the school year.

Outcome Rationale: The La Mesa Arts Academy (LMAAC) in the La Mesa-Spring Valley School District offers its seventh and eighth graders an optional period. This optional period is used as an extra elective as well as time to provide additional academic support. Because optional periods are now seen as part of the instructional minutes, we would like to request a waiver to allow this to take place. This would result in seventh and eighth graders at LMAAC receiving more instructional minutes that other seventh and eighth graders at other schools in our district.

Student Population: 1083

City Type: Suburban

Public Hearing Date: 3/4/2020

Public Hearing Advertised: Board Meeting and Board Agenda posting 72 hours prior to meeting

Local Board Approval Date: 3/4/2020

Community Council Reviewed By: School Site Council, La Mesa Spring Valley Teachers Association, Board of Education

Community Council Reviewed Date: 10/2/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Guido Magliato

Position: Assistant Superintendent, Leadership & Learning

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Telephone: 619-668-5700 x6386

Bargaining Unit Date: 02/14/2020  
Name: La Mesa-Spring Valley Teachers Association  
Representative: Dennis Blevins  
Title: LMSVTA President  
Phone: 619-668-5700  
Position: Support  
Comments: