

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education July 2022 AgendaItem #W-18

## Subject

Request by **San Dieguito Union High School District** to waive portions of California *Education Code* Section 60800(a) related to Physical Fitness Testing, specifically the testing window of February 1 through May 31 to be moved to the fall semester physical education classes, due to their 4x4 block schedule.

## Waiver Number

1-3-2022

## Type of Action

Action, Consent

## Summary of the Issue(s)

The San Dieguito Union High School District, which includes two academy high schools—Canyon Crest Academy and San Dieguito High School Academy—is seeking waiver status to administer the Physical Fitness Test (PFT) outside the administration window of February 1 through May 31. Both the Crest Academy and the San Dieguito High School Academy operate on a 4x4 block schedule, which prevents grade nine students enrolled in physical education (PE) during the fall semester from participating during the mandated PFT administration window.

## Authority for Waiver

*Education Code* (*EC*) Section 33050

## Recommendations

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

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve the San Dieguito Union High’s request that the PFT administration window for Canyon Crest Academy and San Dieguito High School Academy be moved to the start of those schools’ fall semester, beginning July 1, 2022, and run through June 28, 2024.

## 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.

Both Canyon Crest Academy and San Dieguito High School Academy operate a 4x4 block schedule and have grade nine students enrolled in PE for one semester during the fall months. The approval of this waiver will allow both schools to administer the PFT to students in the fall, during PE class, which is the most appropriate class for incorporating physical performance testing.

Canyon Crest Academy and San Dieguito High School Academy have a combined student population of 4,431 and are located in a suburban area in San Diego 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 2020, the SBE approved a waiver to move Vista Unified School District’s PFT administration window to the fall semester for the 2019–21 academic year

(<https://www.cde.ca.gov/be/ag/ag/yr20/documents/mar20w03.docx>).

In March 2019, the SBE approved a waiver to move Vista Unified School District’s PFT administration window to the fall semester for the 2018–19 academic year (<https://www.cde.ca.gov/be/ag/ag/yr19/documents/mar19w05.docx>).

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Summary of Actions to Date (1 Page)
* **Attachment 2:** Waiver 1-3-2022 San Dieguito Union High (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary of Actions to Date

Table 1 below includes actions taken to date in relation to Waiver Number 1-3-2022 in light of California *Education Code* Section 60800(a).

Table 1. Summary of Actions Related to Waiver Number 1-3-2022

| **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** |
| --- | --- | --- | --- | --- | --- |
| 1-3-2022 | San Dieguito Union High | **Requested**7/1/2022 to6/28/2024**Recommended**7/1/2022 to6/28/2024 | 2/17/2022 | Duncan Brown, President of the San Dieguito Faculty Association12/20/2021**Support** | School Site Council at CCA, School Site Council at SDA, and District Board of Trustees12/20/2021**No objections** |

Created by California Department of Education
May 2022

# Attachment 2: Waiver 1-3-2022 San Dieguito Union High

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768346

Waiver Number: 1-3-2022

Active Year: 2022

Date In: 3/1/2022 3:18:49 PM

Local Education Agency: San Dieguito Union High

Address: 710 Encinitas Blvd.

Encinitas, CA 92024

Start: 7/1/2022

End: 6/28/2024

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Physical Fitness Testing

Ed Code Title: Physical Fitness Testing

Ed Code Section: *Education Code* Section 60800(a)

Ed Code Authority: *Education Code* Section 33050

*Education Code* or *CCR* to Waive: 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: Our academy high schools, Canyon Crest Academy (CCA) and San Dieguito High School Academy (SDA), are on a 4x4 block schedule where students take a yearlong course over one semester (fall or spring). On the 4x4 schedule, our students are enrolled in Physical Education (PE) for one semester only. We are requesting to be able to administer the PFT to students in grade 9 who take their PE class during the fall semester.

Outcome Rationale: This is an initial request seeking temporary status to allow CCA and SDA to administer the state-mandated Physical Fitness Test (PFT) earlier in the year to students in grade 9 who take their PE class during the fall semester which begins in August and ends in December each year. This would allow students to take the PFT while they are enrolled in a PE class.

Student Population: 4431

City Type: Suburban

Public Hearing Date: 2/17/2022

Public Hearing Advertised: Notice of the public hearing was posted in the Board of Trustees Meeting agenda, on the district's website, and the front office of the District Office, Canyon Crest Academy, and San Dieguito Academy

Local Board Approval Date: 2/17/2022

Community Council Reviewed By: School Site Council at CCA, School Site Council at SDA, and District Board of Trustees

Community Council Reviewed Date: 12/20/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Mr. Bryan Marcus

Position: Associate Superintendent of Educational Services

E-mail: bryan.marcus@sduhsd.net

Telephone: 760-753-6491 x5569

Fax:

Bargaining Unit Date: 12/20/2021

Name: San Dieguito Faculty Association

Representative: Duncan Brown

Title: President of the San Dieguito Faculty Association

Phone: 760.944.1892 ext. 6610

Position: Support

Comments: