

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of Education May 2023 Agenda Item #W-01

## Subject

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

## Waiver Number

1-10-2022

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by the Chaffey Joint Union HighSchool District (CJUHSD) for a waiver of portions of California *Education Code* (*EC*) Section 48663(a), relating to the Chaffey Community Day Schools’ (CDS’) minimum instructional minutes, for purposes of implementing collaborative professional learning communities (PLCs).

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

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

* The Chaffey CDS, operated by the CJUHSD, will reduce the instructional minutes provided to students on one day per week by 48 minutes from the statutory 360 minutes to 312 instructional minutes for purposes of implementing collaborative PLCs.
* The Chaffey CDS will increase all other days from the statutory 360 minutes to 372 minutes resulting in 12 additional minutes above the statutory minimum (for a total of 48 additional minutes during the week) for a net average of 360 daily instructional minutes for students over the week.

## Summary of Key Issues

*EC* Section 48663(a) states that CDSs have a minimum instructional day of 360 minutes. The CJUHSD is requesting this waiver to be able to include the Chaffey CDS teachers, administrator, and other school staff in regularly scheduled PLC discussions and districtwide professional development and planning. The district maintains that this will support consistency and better quality in instructional strategies at all sites, which the district states is extremely valuable for CDS students who often arrive with significant challenges, as well as strengths which can be identified and utilized to address these challenges.

### Local Support

The CJUHSD local board voted unanimously in support of the waiver request. The Associated Chaffey Teachers has taken a support position on the waiver through its campus director, Adrienne Pacheco. The Classified School Employees Association has taken a support position on the waiver through its president, Tom Camarena. The School Leadership Team and School Site Council had no objections.

**Demographic Information**

The CJUHSD has a student population of 23,145 students and is located in an urban setting in San Bernardino 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 California 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 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

There is no statewide fiscal impact of this waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table of Community Day School State Board of Education Waiver (1 page)
* **Attachment 2:** Chaffey Joint Union HighSchool District General Waiver Request 1-10-2022 (2 pages). (Original Waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Chaffey Community Day School General Waiver Information for Late Start Fridays (Daily schedules) (1 page)

# Attachment 1: Summary Table of Community Day School State Board of Education Waiver

Portions of California *Education Code* (*EC*)Section 48663(a)

| 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 Review,and Any Objections |
| --- | --- | --- | --- | --- | --- |
| 1-10-2022 | Chaffey Joint Union HighSchool District  23,145 students  21 students in Chaffey Community Day School  July 20, 2022  5-0 vote | **Requested:**  August 10, 2022,  through  June 30, 2023  **Recommended:**  August 10, 2022,  through  June 30, 2023 | No | Associated Chaffey Teachers  Adrienne Pacheco, Campus Director  October 26, 2021 **Support**  Classified School Employees Association  Tom Camarena, President  October 26, 2021 **Support** | School Leadership Team and School Site Council  November 3, 2021  **No Objections** |

Created by California Department of Education January 23, 2023

# Attachment 2: Chaffey Joint Union High School District General Waiver Request 1-10-2022

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3667652

Waiver Number: 1-10-2022

Active Year: 2022

Date In: 10/4/2022 8:26:43 AM

Local Education Agency: Chaffey Joint Union High

Address: 211 West Fifth St.

Ontario, CA 91762

Start: 8/10/2022

End: 6/30/2023

Waiver Renewal: No

Waiver Topic: Community Day Schools

Ed Code Title: Minimum School Day

Ed Code Section: 48663(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: *Education Code* Section 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: Chaffey Community Day School would like to provide professional development opportunities to staff members that are offered school and districtwide during “late-start Fridays” inclusive of staff meetings, collaboration time, targeted professional development, and Western Association of Schools and Colleges team meetings. Adjusting the bell schedule to accommodate the late start on Fridays would include adding additional minutes to the end of the school day on Monday-Friday to maintain minimum weekly instructional minutes. Please see the attached schedule. The instructional day will begin one hour later on Fridays. In order to not reduce the total instructional minutes for students, twelve instructional minutes have been added at the end of every day, so that there will be 372 minutes of daily instruction on Monday through Thursday and 312 minutes of instructional time on Fridays, for an average of the statutory 360 minutes of daily instructional time.

Student Population: 21

City Type: Urban

Public Hearing Date: 7/20/2022

Public Hearing Advertised: District and school website and Board agenda

Local Board Approval Date: 7/20/2022

Community Council Reviewed By: School Leadership Team and School Site Council

Community Council Reviewed Date: 11/3/2021

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Richard Wiersma

Position: Assistant Superintendent, Business Services

E-mail: [richard.wiersma@cjuhsd.net](mailto:richard.wiersma@cjuhsd.net)

Telephone: 909-988-8511 x2680

Bargaining Unit Date: 10/26/2021

Name: Associated Chaffey Teachers

Representative: Adrienne Pacheco

Title: Campus Director

Phone: 909-460-5663

Position: Support

Bargaining Unit Date: 10/26/2021

Name: Classified School Employees Association

Representative: Tom Camarena

Title: CSEA President

Phone: 909-988-8511 ext 2619

Position: Support

# Attachment 3: Chaffey Community Day School General Waiver Information for Late Start Fridays (Daily schedules)

**Monday–Thursday (A Schedule)**

|  |  |  |  |
| --- | --- | --- | --- |
| **PERIOD** | **START** | **END** | **MINS** |
| Period 0 |  |  | 0 |
| Passing | 8:25 AM | 8:30 AM | 5 |
| Period 1 | 8:30 AM | 9:28 AM | 58 |
| Passing | 9:28 AM | 9:33 AM | 5 |
| Period 2 | 9:33 AM | 10:38 AM | 65 |
| Passing | 10:38 AM | 10:43 AM | 5 |
| Period 3 | 10:43 AM | 11:41 AM | 58 |
| **Lunch** | **11:41 AM** | **12:11 PM** | **30** |
| Passing | 12:11 PM | 12:16 PM | 5 |
| Period 4 | 12:16 PM | 1:14 PM | 58 |
| Passing | 1:14 PM | 1:19 PM | 5 |
| Period 5 | 1:19 PM | 2:17 PM | 58 |
| Passing | 2:17 PM | 2:22 PM | 5 |
| Period 6 | 2:22 PM | 3:12 PM | 50 |
|  |  | TOTAL: | 402 |

**INSTRUCTIONAL MINUTES: 372**

**Monday–Thursday (B Schedule)**

|  |  |  |  |
| --- | --- | --- | --- |
| **PERIOD** | **START** | **END** | **MINS** |
| Period 0 |  |  | 0 |
| Passing | 8:25 AM | 8:30 AM | 5 |
| Period 1 | 8:30 AM | 9:28 AM | 58 |
| Passing | 9:28 AM | 9:33 AM | 5 |
| Period 2 | 9:33 AM | 10:38 AM | 65 |
| Passing | 10:38 AM | 10:43 AM | 5 |
| Period 3 | 10:43 AM | 11:41 AM | 58 |
| Passing | 11:41 AM | 11:46 AM | 5 |
| Period 4 | 11:46 AM | 12:44 PM | 58 |
| **Lunch** | **12:44 PM** | **1:14 PM** | **30** |
| Passing | 1:14 PM | 1:19 PM | 5 |
| Period 5 | 1:19 PM | 2:17 PM | 58 |
| Passing | 2:17 PM | 2:22 PM | 5 |
| Period 6 | 2:22 PM | 3:12 PM | 50 |
|  |  | TOTAL: | 402 |

**INSTRUCTIONAL MINUTES: 372**

**Friday (A Schedule)**

|  |  |  |  |
| --- | --- | --- | --- |
| **PERIOD** | **START** | **END** | **MINS** |
| Passing |  |  |  |
| Period 1 | 9:30 AM | 10:20 AM | 50 |
| Passing | 10:20 AM | 10:25 AM | 5 |
| Period 2 | 10:25 AM | 11:14 AM | 49 |
| Passing | 11:14 AM | 11:19 AM | 5 |
| Period 3 | 11:19 AM | 12:08 PM | 49 |
| **Lunch** | **12:08 PM** | **12:38 PM** | **30** |
| Passing | 12:38 PM | 12:43 PM | 5 |
| Period 4 | 12:43 PM | 1:32 PM | 49 |
| Passing | 1:32 PM | 1:37 PM | 5 |
| Period 5 | 1:37 PM | 2:26 PM | 49 |
| Passing | 2:26 PM | 2:31 PM | 5 |
| Period 6 | 2:31PM | 3:12 PM | 41 |
|  |  | TOTAL: | 342 |

**INSTRUCTIONAL MINUTES: 312**

**Friday (B Schedule)**

|  |  |  |  |
| --- | --- | --- | --- |
| **PERIOD** | **START** | **END** | **MINS** |
| Passing |  |  |  |
| Period 1 | 9:30 AM | 10:20 AM | 50 |
| Passing | 10:20 AM | 10:25 AM | 5 |
| Period 2 | 10:25 AM | 11:14 AM | 49 |
| Passing | 11:14 AM | 11:19 AM | 5 |
| Period 3 | 11:19 AM | 12:08 PM | 49 |
| Passing | 12:08 PM | 12:13 PM | 5 |
| Period 4 | 12:13 PM | 1:02 PM | 49 |
| **Lunch** | **1:02 PM** | **1:32 PM** | **30** |
| Passing | 1:32 PM | 1:37 PM | 5 |
| Period 5 | 1:37 PM | 2:26 PM | 49 |
| Passing | 2:26 PM | 2:31 PM | 5 |
| Period 6 | 2:31 PM | 3:12 PM | 41 |
|  |  | TOTAL: | 342 |

**INSTRUCTIONAL MINUTES: 312**