

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of Education May 2023 Agenda Item #W-03

## Subject

Request by the **Fort Bragg Unified** **School District** to waive portions of California *Education Code* Section 48663(a), relating to community day school minimum instructional minutes.

## Waiver Number

10-11-2022

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by the Fort Bragg Unified School District (USD) for a waiver of portions of the California *Education Code* (*EC*) Section 48663(a), relating to the Shelter Cove and the Lighthouse 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:

* Both the Shelter Cove CDS and the Lighthouse CDS operated by the Fort Bragg USD will reduce the instructional minutes provided to students on one day per week by 15 minutes to 345 instructional minutes for purposes of implementing collaborative PLCs.
* Both the Shelter Cove CDS and the Lighthouse CDS will increase all other days from 360 minutes to 375 minutes resulting in 15 additional minutes above the statutory minimum (for a total of 60 additional minutes) for a net gain of 45 additional 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 Fort Bragg USD is requesting this waiver to be able to include the Shelter Cove CDS and the Lighthouse 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 without having to use individual teacher prep time two days a week in order to collaborate, as had been necessary without the waiver. In accordance with the waiver, not only would the staff have more collaborative time, but the CDS students will also have a net gain of 45 additional instructional minutes over the week. The district states that this is extremely valuable for the Shelter Cove CDS and the Lighthouse CDS as students often arrive with significant challenges, as well as strengths which can be identified and utilized to address these challenges.

### Local Support

The Fort Bragg USD local board voted unanimously in support of the waiver request. The Fort Bragg District Teachers’ Association has taken a support position on the waiver through its president, Gary Lewis. The CDS Parent/Staff Site Council approved the waiver with no objections.

**Demographic Information:**

The Fort Bragg USD has a student population of 1,650 students and is located in a rural setting in Mendocino 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:** Fort Bragg Unified School District General Waiver Request   
  10-11-2022 (3 pages). (Original Waiver request is signed and on file in the Waiver Office.)

# 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 |
| --- | --- | --- | --- | --- | --- |
| 10-11-2022 | Fort Bragg Unified School District  1,650 Students  Shelter Cove Community Day School (4–8)  10 Students  Lighthouse Community Day School (9–12) 13 Students  October 5, 2022 | **Requested:**  November 28, 2022,  through  June 30, 2024  **Recommended:**  November 28, 2022,  through  June 30, 2024 | No | Fort Bragg District Teachers’ Association Gary Lewis, President August 10, 2022 **Support** | Community Day School Parent/Staff Advisory Site Council  October 5, 2022  **No Objections** |

Created by California Department of Education January 23, 2023

# Attachment 2: Fort Bragg Unified School District General Waiver Request 10-11-2022

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2365565

Waiver Number: 10-11-2022

Active Year: 2022

Date In: 11/30/2022 10:14:33 AM

Local Education Agency: Fort Bragg Unified

Address: 312 South Lincoln St.

Fort Bragg, CA 95437

Start: 11/28/2022

End: 6/30/2024

Waiver Renewal: No

Waiver Topic: Community Day Schools (CDS)

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: CDSs are required to provide 360 minutes each day. We are not afforded the early release days for professional learning time that other schools have due to our longer statutory minimum day. We have had to use what would be individual teacher prep time two days a week to collaborate. This results in less time for teachers to prepare for the day. We would like to be able to have the collaboration time on Wednesdays on which we will provide 345 minutes of instructional time. This would also allow all staff from all roles from both of our CDSs, the Shelter Cove CDS and the Lighthouse CDS, to collaborate sharing information by school and also between schools as some students matriculate from the elementary CDS, Shelter Cove CDS, to the high school grades CDS, Lighthouse CDS. On some Wednesdays, we might be participating in district wide collaborations, sharing information about their former and returning students as well as having an opportunity to contribute to decisions about district-wide curriculum, practices, and materials. We can address the need for Wednesday collaboration time by adding minutes beyond the statutory 360 to all other days to provide 375 instructional minutes. These two schedules will provide a net gain of 45 minutes of instructional time each week above the statutory minimum while also providing full prep time for our teachers. If the waiver is approved, the staff will be able to develop our internship program, design lab development and further implement Big Picture Learning.

Below is a potential schedule with a short Wednesday each full week of school and the schedule from 2021-22.

**2021-22 Schedule**

8:00 AM- 8:45 AM- Teacher Prep Period

8:45 AM- 3:15 PM- School Day

3:15 PM- 3:30 PM- Teacher Prep Time

**2022-23 Regular School Days**

7:45 AM- 8:30 AM- Teacher Prep Period

8:30 AM- 3:15 PM- School Day

Lunch- 1:00 PM- 1:30 PM- 30 minutes

Total Instructional Minutes per Day- 375

**2022-23 Professional Learning Days**

7:45 AM- 8:30 AM- Teacher Prep Time

8:30 AM- 2:00 PM- Professional Learning Day

Lunch 1:30 PM- 2:00 PM- 30 minutes

2:00 PM- 3:15 PM- Teacher Collaboration

Total Minutes per Day- 345 Minutes

Total Minutes per Week- 1,845

Student Population: 23

City Type: Rural

Public Hearing Date: 10/5/2022

Public Hearing Advertised: The public hearing was advertised on the district website, through email, and was posted in the routine locations for posting board related information.

Local Board Approval Date: 10/5/2022

Community Council Reviewed By: The CDS parent/staff advisory (site council) reviewed the proposed waiver and approved

Community Council Reviewed Date: 8/8/2022

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Coni Belli

Position: Principal

E-mail: [conilou@hotmail.com](mailto:conilou@hotmail.com)

Telephone: 707-961-3610

Fax: 707-964-1017

Bargaining Unit Date: 08/10/2022

Name: Fort Bragg District Teachers’ Association

Representative: Gary Lewis

Title: President, FBDTA

Phone: 707-961-3767

Position: Support

Comments: