

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

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

## Subject

Request by the **Madera Unified School District** for a renewal waiver of portions of California *Education Code* Section 48663(a), relating to community day school minimum instructional minutes.

## Waiver Number

7-6-2023

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by the Madera Unified School District (MUSD) for a renewal waiver of portions of California *Education Code* (*EC*) Section 48663(a), relating to the Ripperdan Community Day School (CDS) minimum instructional minutes. The purpose is to continue to implement collaborative professional learning communities (PLCs) one day each week, in accordance with conditions that all other days be extended beyond the statutory minimum, as specified, so that there is no net cumulative loss of instructional learning time. In fact, there would be a net weekly gain above the statutory minimum. The State Board of Education (SBE) previously approved MUSD’s *EC* Section 48663(a) request for a waiver relating to Ripperdan CDS’s minimum instructional minutes at the March 2023 meeting (W-02) for the 2022-2023 school year. This current request would extend that waiver (Waiver Number: 3-10-2022-W-02) and, if granted, this waiver will be "permanent" per *EC* Section 33501(b) and the MUSD will not need to apply for renewal if the information on the request remains current.

## 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 Ripperdan CDS, operated by the MUSD, will reduce the instructional minutes provided to students on one day per week by 75 minutes to 285 instructional minutes for purposes of implementing collaborative PLCs.
* The Ripperdan CDS will increase all other days from the statutory 360 minutes to 385 instructional minutes resulting in 25 additional minutes above the statutory minimum (for a total of 100 additional minutes) for a net gain of 25 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 MUSD is requesting this renewal waiver to continue to be able to include the Ripperdan CDS teachers, administrator, and other school staff in regularly scheduled PLC discussions and districtwide professional development and planning. The district maintains that this has been very successful in the past years in allowing the district to provide consistency and better quality in instructional strategies at all sites. This is extremely valuable for CDS students who often arrive with significant personal strengths which can be identified and utilized to address the behavioral and/or attendance challenges that led to their referral to the CDS. The weekly meetings enable the CDS staff to respond more powerfully, and in a timely manner.

In addition to the weekly gain in instructional minutes as provided in the recommended waiver conditions above, and Attachment 3: Ripperdan Instructional Minutes, the yearly instructional minutes will be above the yearly statutory goal of 64,800 minutes for 180 days of instruction. If approved, the Ripperdan CDS would be providing a total of 65,500 minutes, which is 700 minutes above the statutory yearly total.

The Ripperdan CDS has successfully operated, starting with the 2017–18 school year, in accordance with the previous waivers of minimum instructional minutes that provided for the operation of one professional development day each month. For the 2022–23 school year, the SBE approved MUSD’s waiver for Ripperdan CDS to provide for an increase to one PLC day each week in March 2023. This current request would extend that waiver ([Waiver Number: 3-10-2022-W-02](https://www.cde.ca.gov/be/ag/ag/yr23/documents/mar23w02.docx)) and, if granted, this waiver will be "permanent"per *EC* Section 33501(b) and the MUSD will not need to apply for renewal if the information on the request remains current.

### Local Support

The MUSD local board voted unanimously in support of the waiver request. The Madera Unified Teachers Association has taken a support position on the waiver through its president, David Holder. The Ripperdan School Site Council had no objections.

### Rationale for Retroactive Request

The MUSD was not aware of the deadline required for the submission of their waiver renewal request, as the previous waiver expired September 1, 2023. This resulted in the November 2023 SBE meeting being the first possible time for the SBE’s consideration of the renewal waiver.

### Demographic Information:

The MUSD has a student population of 21,637 students and is located in a small city setting in Madera County.

**Because this is a general waiver, if the 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 several previous waiver requests of the minimum instructional day in a CDS where the district agreed that, if instructional minutes were reduced during one day of the week, other days would be extended so that the total instructional minutes provided to students during the week would equal or exceed the total as normally provided under statute.

The MUSD’s Ripperdan CDS complied with all of the conditions of the previous waivers to provide total instruction minutes that would equal or exceed the total provided under the statute, including the waiver that was active at the time this application was submitted, Waiver Number: 3-10-2022-W-02.

## 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:** Madera Unified School District General Waiver Request 7-6-2023 (2 pages). (Original Waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Ripperdan Instructional Minutes (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 33051(b) | Bargaining Unit Name and Representative,Date of Action,and Position | Advisory Committee/ Schoolsite Council Name,Date of Review,and Any Objections |
| --- | --- | --- | --- | --- | --- |
| 7-6-2023 | Madera Unified School District  21,637 Students  73 Students in Ripperdan Community Day School  June 13, 2023 | **Requested:**  September 2, 2023,  through  September 1, 2025  **Recommended:**  September 2, 2023,  through  September 1, 2025 | Yes | Madera Unified Teachers Association David Holder, President July 12, 2023  **Support** | Ripperdan School Site Council  July 19, 2023  **No Objections** |

Created by California Department of Education

November 2023

# Attachment 2: Madera Unified School District General Waiver Request 7-6-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2065243

Waiver Number: 7-6-2023

Active Year: 2023

Date In: 6/21/2023 2:13:57 PM

Local Education Agency: Madera Unified

Address: 1902 Howard Rd.

Madera, CA 93637

Start: 9/2/2023

End: 9/1/2025

Waiver Renewal: Yes

Previous Waiver Number: 3-10-2022-W-02

Previous SBE Approval Date: 3/8/2023

Waiver Topic: Community Day Schools (CDS)

Ed Code Title: Minimum School Day

Ed Code Section: 48663 Community Day School

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: Request to waive Ed Code 48663a. The minimum school day in a community day school is [360 minutes of] instruction provided by a certificated employee of the district reporting the attendance of the pupils for apportionment funding.

Outcome Rationale: To allow our Community Day School staff to participate in professional learning community and other district-level professional development opportunities, we would like to be authorized to reduce the instructional day one day per week by 75 minutes to a total of 285 minutes. We will increase all other days to 385 minutes resulting in 25 additional minutes above the statutory minimum (for a total of 100 additional minutes) for a net gain of 25 additional instructional minutes for students over the week.

Student enrollment at Ripperdan Community Day School is approximately 73.

The Madera Unified School District Board of Trustees approved this item unanimously 7-0.

Student Population: 21637

City Type: Small

Public Hearing Date: 6/13/2023

Public Hearing Advertised: Agenda was posted in the district office window and publicized online on the district website.

Local Board Approval Date: 6/13/2023

Community Council Reviewed By: Ripperdan School Site Council

Community Council Reviewed Date: 7/19/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Ladislao Lopez

Position: Area Assistant Superintendent

E-mail: [ladislaolopez@maderausd.org](mailto:ladislaolopez@maderausd.org)

Telephone: 559-675-4500 x244

Bargaining Unit Date: 07/12/2023  
Name: Madera Unified Teachers Association  
Representative: David Holder  
Title: President of MUTA  
Phone: 960-2801  
Position: Support

# Attachment 3: Ripperdan Instructional Minutes

**2023–2024**

**Regular Day Schedule**

(Monday, Tuesday, Wednesday, Friday)

8:30 a.m.–3:35 p.m.

10-minute Break

30-minute Lunch

**Early Release Day Schedule**

(Thursday)

8:30 a.m.–2:00 p.m.

10-minute Break

35-minute Lunch

**Required Minutes: 360 min X 180 days = 64,800**

Regular Day 385 min X 142 days = 54,670

Early Release 285 min X 38 days = 10,830

**Total Minutes 180 days = 65,500**

**Difference +700**