

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education July 2024 Agenda Item #W-01

## Subject

Request by **Manteca Unified School District** to waive portions of California *Education Code* Section 51222(a), related to the statutory minimum requirement of 400 minutes of physical education each 10 school days for students in grades nine through twelve in order to implement a block schedule at Lathrop High School, East Union High School, Manteca High School, Sierra High School, and Weston Ranch High School.

## Waiver Numbers

* Lathrop High School 12-12-2023
* East Union High School 13-12-2023
* Manteca High School 14-12-2023
* Sierra High School 15-12-2023
* Weston Ranch High School 16-12-2023

## Type of Action

Action, Consent

## Summary of the Issue(s)

Lathrop High School (LHS), East Union High School (EUHS), Manteca High School (MHS), Sierra High School (SHS), and Weston Ranch High School (WRHS) are requesting to implement 4X4 block schedules where students receive 800 minutes of physical education (PE) instruction each 10 school days for 18 weeks. California *Education Code* (*EC*) Section 51222(a) requires a minimum of 400 minutes each 10 school days for the entire school year. The students from LHS, EUHS, MHS, SHS, and WRHS only take PE for one semester; therefore, the Manteca Unified School District is seeking a waiver of *EC* Section 51222(a).

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

*EC* Section 33051(b) will NOT apply and the district must renew this waiver before

July 30, 2026 (two years less one day), consistent with State Board of Education (SBE) Waiver Policy 99-03. The district must also create a uniform way for the school site to document and report to the district evidence of compliance; the district will collect documentation that provides evidence of compliance for each waiver criteria applicable to SBE Waiver Policy 99-03 annually.

## Summary of Key Issues

*EC* Section 51222(a) establishes requirements for minimum instructional minutes of PE, 400 minutes each 10 school days for pupils in grades seven through twelve. LHS, EUHS, MHS, SHS, and WRHS will implement block schedules in grades nine through twelve that does not provide each student with PE instruction for a minimum of 400 minutes each 10 school days.

These students will be enrolled in PE for only 18 weeks of the school year, receiving instruction for an average of 80 minutes per school day. This means that PE is taught for 400 minutes per school week (or 800 minutes each 10 days). Therefore, the actual time that LHS, EUHS, MHS, SHS, and WRHS students are enrolled in PE meets the minimum minute requirements, if added on an annual basis (7,200 minutes).

| **Sample Student Schedules** | **Fall Term**  18 Consecutive Weeks | **Spring Term**  18 Consecutive Weeks |
| --- | --- | --- |
| Student A | Minutes per week of PE Instruction = 400 | Minutes per week of PE Instruction = 0 |
| Student B | Minutes per week of PE Instruction = 0 | Minutes per week of PE Instruction = 400 |

The California Department of Education (CDE) has worked closely with the Manteca Unified School District to ensure that all criteria have been met to a high degree of completion. The district has provided evidence indicating they have met the criteria for this waiver as follows:

1. The PE instructional program at LHS, EUHS, MHS, SHS, and WRHS complies with federal and state statutes and regulations related to PE pertaining to minimum minute requirements; instruction is based on PE content standards; and instruction is aligned with the *Physical Education Framework* *for California Public Schools* (sequential, articulated, and age-appropriate instruction).
2. The district has developed a PE professional development plan for teachers who deliver instruction in PE at that school.
3. The students are enrolled in courses of PE a minimum of 18 weeks in 80-minute daily class periods during the regular school year.
4. The Manteca Unified School District described a method by which it will monitor students’ maintenance of their personal physical activity programs during the weeks they are not participating in a PE course at their school. The monitoring program includes: student accountability for participation in physical activity, guidance for students in using the principles of exercise to design and complete their physical activity program and specific information regarding the design, and delivery of the monitoring program.
5. The PE program complies with *California Code of Regulations*, Title 5, Article 3.1, Section 10060.
6. All eligible students are prepared for and participate in the physical performance testing as specified in *EC* Section 60800.
7. Alternate day scheduling for PE rather than alternate term scheduling has been thoroughly investigated by the district.

When the district is identified for a Federal Program Monitoring (FPM) review by the CDE, at least one of the high schools listed above that are in the Manteca Unified School District shall have PE reviewed as a part of the district’s FPM process.

The SBE Waiver Policy 99-03 requires that the California Physical Fitness Test (PFT) data will be reviewed for school(s) who request a waiver, initially and on request for renewal of the waiver to determine improvement or at minimum, maintenance of students’ levels of health-related fitness. The CDE is currently following emergency regulations that require local educational agencies to administer the PFT to eligible students only using five testing components and the local educational agencies are only required to report the PFT student participation results which exclude Healthy Fitness Zone fitness scores at this time.

**Demographic Information:** The Manteca Unified School District has a student population of 25,458 and is located in a suburban area of San Joaquin 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

SBE Waiver Policy 99-03, PE Requirements for Block Schedules, which was last revised in July 2006, establishes criteria for granting waivers related to PE instructional minutes for the purpose of implementing a block schedule. Please see the PE Requirements for Block Schedules on the CDE Waiver Policies web page at <https://www.cde.ca.gov/re/lr/wr/waiverpolicies.asp>.

Schools began implementing block schedules, sometimes with disregard for the statutory requirements for PE instructional minutes, in the 1980s. Several types of these block schedules incorporate PE instruction on a limited basis and do not meet the statutory requirement of 400 minutes each 10 school days. A committee including PE experts, district staff, SBE members, and CDE staff developed a recommendation for a waiver policy. This group did not feel that they could ask high schools in the state to stop doing block scheduling, so flexibility was sought, and a waiver policy was created.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval or denial.

## Attachment(s)

* **Attachment 1:** Summary Table of Physical Education Block Schedule State Board of Education Waiver (3 pages)
* **Attachment 2:** Manteca Unified High School District General Waiver Request 12-12-2023 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Manteca Unified High School District General Waiver Request 13-12-2023 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Manteca Unified High School District General Waiver Request 14-12-2023 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Manteca Unified High School District General Waiver Request 15-12-2023 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6:** Manteca Unified High School District General Waiver Request 16-12-2023 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table of Physical Education Block Schedule State Board of Education Waiver

California *Education Code* Section 51222(a)

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit, Representatives Consulted, Date, and Position** | **Public Hearing and Board Approval Date** | **Public Hearing Advertisement** | **SSC/Advisory Committee Consulted, Date, and Position** |
| --- | --- | --- | --- | --- | --- | --- |
| 12-12-2023 | Manteca Unified School District | **Requested:**  Start: 8/1/2023 End: 7/31/2025  **Recommended:**  Start: 8/1/2024 End 7/29/2026 | Manteca Educators Association  Representative: Steve Grant  Title: M.E.A. President  Date: 03/10/2023  Position: **Support** | Public Hearing  Local Board Approval  Date: 8/24/202 | District website, board agenda, and posted at school site in office at visible communications location. | Lathrop High School Site Council  Review Date: 2/16/2023  **Objection: No** |
| 13-12-2023 | Manteca Unified School District | **Requested:**  Start: 8/1/2023 End: 7/31/2025  **Recommended:**  Start: 8/1/2024 End: 7/29/2026 | Manteca Educators Association  Representative: Steve Grant  Title: M.E.A. President  Date: 03/10/2023  Position: **Support** | Public Hearing  Local Board Approval  Date: 8/24/2023 | District website, board agenda, and posted at school site in office at visible communications location. | East Union High School Site Council  Review Date: 2/1/2023  **Objection: No** |
| 14-12-2023 | Manteca Unified School District | **Requested:**  Start: 8/1/2023 End: 7/31/2025  **Recommended:**  Start: 8/1/2024 End 7/29/2026 | Manteca Educators Association  Representative: Steve Grant  Title: M.E.A. President  Date: 03/10/2023  Position: **Support** | Public Hearing  Local Board Approval  Date: 8/24/2023 | District website, board agenda, and posted at school site in office at visible communications location. | Manteca High School Site Council  Review Date:  2/27/2023  **Objection: No** |
| 15-12-2023 | Manteca Unified School District | **Requested:**  Start: 8/1/2023 End: 7/31/2025  **Recommended:**  Start: 8/1/2024 End: 7/29/2026 | Manteca Educators Association  Representative: Steve Grant  Title: M.E.A. President  Date: 03/10/2023  Position: **Support** | Public Hearing  Local Board Approval  Date: 8/24/2023 | District website, board agenda, and posted at school site in office at visible communications location. | Sierra High School  School Site Council  Review Date:  1/31/2023  **Objection: No** |
| 16-12-2023 | Manteca Unified School District | **Requested:**  Start: 8/1/2023  End: 7/31/2025  **Recommended:**  Start: 8/1/2024  End 7/29/2026 | Manteca Educators Association  Representative: Steve Grant  Title: M.E.A. President  Date: 03/10/2023  Position: **Support** | Public Hearing  Local Board Approval  Date: 8/24/2023 | District website, board agenda, and posted at school site in office at visible communications location. | Weston Ranch High School  School Site Council  Review Date:  1/11/2023  **Objection: No** |

Created by the California Department of Education

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# Attachment 2: Manteca Unified School District General Waiver Request 12-12-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3968593

Waiver Number: 12-12-2023

Active Year: 2023

Date In: 12/20/2023 10:22:58 AM

Local Education Agency: Manteca Unified

Address: 2271 W. Louise Ave.

Manteca, CA 95337

Start: 8/1/2023

End: 7/31/2025

Waiver Renewal: No

Waiver Topic: Physical Education Program

Ed Code Title: Block Schedules

Ed Code Section: 51222(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 51222(a)-California *Education Code* (*EC*) requires physical education (PE) instruction for all students on a regular and consistent basis: 400 minutes each 10 school days.

Seeking waiver to support Block scheduling and administering the Physical Fitness Test (PFT) outside of the testing window for those students enrolled in Term 1 which is in the Fall (Aug–Dec) of that given school year.

Outcome Rationale: Manteca Unified School District is a block schedule district with all five comprehensive high schools maintaining a block schedule with heavy support to continue block scheduling by community partners and supported by the certificated teacher’s union, Manteca Educators Association. This waiver will allow our high school to continue meeting the needs of our students and community. The waiver is necessary for MUSD to continue implementing Block Scheduling and provide the Physical Fitness Test (PFT) assessment for 9th graders outside of the state designated testing window when 9th grade students are enrolled in PE during Term 1 in the Fall. Currently, all 9th grade students are given the PFT in the spring during the same time of year of the CAASPP assessment window.

Student Population: 25458

City Type: Suburban

Public Hearing Date: 8/24/2023

Public Hearing Advertised: On district website, on board agenda, and posted at school site in office at visible bulletin communications location.

Local Board Approval Date: 8/24/2023

Community Council Reviewed By: Lathrop High School Site Council

Community Council Reviewed Date: 2/16/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Clara Schmiedt

Position: Executive Director-Secondary Education

E-mail: [cschmiedt@musd.net](mailto:cschmiedt@musd.net)

Telephone: 209-858-0737

Fax: 209-858-7530

Bargaining Unit Date: 03/10/2023

Name: Manteca Educators Association

Representative: Steve Grant

Title: M.E.A. President

Phone: 209-858-8153

Position: Support

# Attachment 3: Manteca Unified School District General Waiver Request 13-12-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3968593

Waiver Number: 13-12-2023

Active Year: 2023

Date In: 12/20/2023 10:30:16 AM

Local Education Agency: Manteca Unified

Address: 2271 W. Louise Ave.

Manteca, CA 95337

Start: 8/1/2023

End: 7/31/2025

Waiver Renewal: No

Waiver Topic: Physical Education Program

Ed Code Title: Block Schedules

Ed Code Section: 51222(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 51222(a)-California *Education Code* (*EC*) requires physical education (PE) instruction for all students on a regular and consistent basis: 400 minutes each 10 school days.

Seeking waiver to support Block scheduling and administering the Physical Fitness Test (PFT) outside of the testing window for those students enrolled in Term 1 which is in the Fall (Aug–Dec) of that given school year.

Outcome Rationale: Manteca Unified School District is a block schedule district with all five comprehensive high schools maintaining a block schedule with heavy support to continue block scheduling by community partners and supported by the certificated teacher’s union, Manteca Educators Association. This waiver will allow our high school to continue meeting the needs of our students and community. The waiver is necessary for MUSD to continue implementing Block Scheduling and provide the Physical Fitness Test (PFT) assessment for 9th graders outside of the state designated testing window when 9th grade students are enrolled in PE during Term 1 in the Fall. Currently, all 9th grade students are given the PFT in the spring during the same time of year of the CAASPP assessment window.

Student Population: 25458

City Type: Suburban

Public Hearing Date: 8/24/2023

Public Hearing Advertised: On district website, on board agenda, and posted at school site in office at visible bulletin communications location.

Local Board Approval Date: 8/24/2023

Community Council Reviewed By: East Union High School Site Council

Community Council Reviewed Date: 2/1/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Clara Schmiedt

Position: Executive Director-Secondary Education

E-mail: [cschmiedt@musd.net](mailto:cschmiedt@musd.net)

Telephone: 209-858-0737

Fax: 209-858-7530

Bargaining Unit Date: 03/10/2023

Name: Manteca Educators Association

Representative: Steve Grant

Title: M.E.A. President

Phone: 209-858-8153

Position: Support

# Attachment 4: Manteca Unified School District General Waiver Request 14-12-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3968593

Waiver Number: 14-12-2023

Active Year: 2023

Date In: 12/20/2023 10:38:29 AM

Local Education Agency: Manteca Unified

Address: 2271 W. Louise Ave.

Manteca, CA 95337

Start: 8/1/2023

End: 7/31/2025

Waiver Renewal: No

Waiver Topic: Physical Education Program

Ed Code Title: Block Schedules

Ed Code Section: 51222(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 51222(a)-California *Education Code* (*EC*) requires physical education (PE) instruction for all students on a regular and consistent basis: 400 minutes each 10 school days.

Seeking waiver to support Block scheduling and administering the Physical Fitness Test (PFT) outside of the testing window for those students enrolled in Term 1 which is in the Fall (Aug–Dec) of that given school year.

Outcome Rationale: Manteca Unified School District is a block schedule district with all five comprehensive high schools maintaining a block schedule with heavy support to continue block scheduling by community partners and supported by the certificated teacher’s union, Manteca Educators Association. This waiver will allow our high school to continue meeting the needs of our students and community. The waiver is necessary for MUSD to continue implementing Block Scheduling and provide the Physical Fitness Test (PFT) assessment for 9th graders outside of the state designated testing window when 9th grade students are enrolled in PE during Term 1 in the Fall. Currently, all 9th grade students are given the PFT in the spring during the same time of year of the CAASPP assessment window.

Student Population: 25458

City Type: Suburban

Public Hearing Date: 8/24/2023

Public Hearing Advertised: On district website, on board agenda, and posted at school site in office at visible bulletin communications location.

Local Board Approval Date: 8/24/2023

Community Council Reviewed By: Manteca High School Council

Community Council Reviewed Date: 2/27/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Clara Schmiedt

Position: Executive Director-Secondary Education

E-mail: [cschmiedt@musd.net](mailto:cschmiedt@musd.net)

Telephone: 209-858-0737

Fax: 209-858-7530

Bargaining Unit Date: 03/10/2023

Name: Manteca Educators Association

Representative: Steve Grant

Title: M.E.A. President

Phone: 209-858-8153

Position: Support

# Attachment 5: Manteca Unified School District General Waiver Request 15-12-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3968593

Waiver Number: 15-12-2023

Active Year: 2023

Date In: 12/20/2023 10:49:16 AM

Local Education Agency: Manteca Unified

Address: 2271 W. Louise Ave.

Manteca, CA 95337

Start: 8/1/2023

End: 7/31/2025

Waiver Renewal: No

Waiver Topic: Physical Education Program

Ed Code Title: Block Schedules

Ed Code Section: 51222(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 51222(a)-California *Education Code* (*EC*) requires physical education (PE) instruction for all students on a regular and consistent basis: 400 minutes each 10 school days.

Seeking waiver to support Block scheduling and administering the Physical Fitness Test (PFT) outside of the testing window for those students enrolled in Term 1 which is in the Fall (Aug–Dec) of that given school year.

Outcome Rationale: Manteca Unified School District is a block schedule district with all five comprehensive high schools maintaining a block schedule with heavy support to continue block scheduling by community partners and supported by the certificated teacher’s union, Manteca Educators Association. This waiver will allow our high school to continue meeting the needs of our students and community. The waiver is necessary for MUSD to continue implementing Block Scheduling and provide the Physical Fitness Test (PFT) assessment for 9th graders outside of the state designated testing window when 9th grade students are enrolled in PE during Term 1 in the Fall. Currently, all 9th grade students are given the PFT in the spring during the same time of year of the CAASPP assessment window.

Student Population: 25458

City Type: Suburban

Public Hearing Date: 8/24/2023

Public Hearing Advertised: On district website, on board agenda, and posted at school site in office at visible bulletin communications location.

Local Board Approval Date: 8/24/2023

Community Council Reviewed By: Sierra High School Site Council

Community Council Reviewed Date: 1/31/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Clara Schmiedt

Position: Executive Director-Secondary Education

E-mail: [cschmiedt@musd.net](mailto:cschmiedt@musd.net)

Telephone: 209-858-0737

Fax: 209-858-7530

Bargaining Unit Date: 03/10/2023

Name: Manteca Educators Association

Representative: Steve Grant

Title: M.E.A. President

Phone: 209-858-8153

Position: Support

# Attachment 6: Manteca Unified School District General Waiver Request 16-12-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3968593

Waiver Number: 16-12-2023

Active Year: 2023

Date In: 12/20/2023 10:55:15 AM

Local Education Agency: Manteca Unified

Address: 2271 W. Louise Ave.

Manteca, CA 95337

Start: 8/1/2023

End: 7/31/2025

Waiver Renewal: No

Waiver Topic: Physical Education Program

Ed Code Title: Block Schedules

Ed Code Section: 51222(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 51222(a)-California *Education Code* (*EC*) requires physical education (PE) instruction for all students on a regular and consistent basis: 400 minutes each 10 school days.

Seeking waiver to support Block scheduling and administering the Physical Fitness Test (PFT) outside of the testing window for those students enrolled in Term 1 which is in the Fall (Aug–Dec) of that given school year.

Outcome Rationale: Manteca Unified School District is a block schedule district with all five comprehensive high schools maintaining a block schedule with heavy support to continue block scheduling by community partners and supported by the certificated teacher’s union, Manteca Educators Association. This waiver will allow our high school to continue meeting the needs of our students and community. The waiver is necessary for MUSD to continue implementing Block Scheduling and provide the Physical Fitness Test (PFT) assessment for 9th graders outside of the state designated testing window when 9th grade students are enrolled in PE during Term 1 in the Fall. Currently, all 9th grade students are given the PFT in the spring during the same time of year of the CAASPP assessment window.

Student Population: 25458

City Type: Suburban

Public Hearing Date: 8/24/2023

Public Hearing Advertised: On district website, on board agenda, and posted at school site in office at visible bulletin communications location.

Local Board Approval Date: 8/24/2023

Community Council Reviewed By: Weston Ranch High School Site Council

Community Council Reviewed Date: 1/11/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Clara Schmiedt

Position: Executive Director-Secondary Education

E-mail: [cschmiedt@musd.net](mailto:cschmiedt@musd.net)

Telephone: 209-858-0737

Fax: 209-858-7530

Bargaining Unit Date: 03/10/2023

Name: Manteca Educators Association

Representative: Steve Grant

Title: M.E.A. President

Phone: 209-858-8153

Position: Support