

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education September 2024 Agenda Item #W-02

## Subject

Request by **La Mesa-Spring Valley Elementary School District** to waive California *Education Code* Section 37202, the equity length of time requirement, to allow the La Mesa Arts Academy fifth graders during the 2024–25 school year to attend an additional 15 minutes of instruction per day.

## Waiver Number

14-4-2024

## Type of Action

Action, Consent

## Summary of the Issue(s)

La Mesa-Spring Valley (LMSV) Elementary School District is requesting to waive California *Education Code* (*EC*) Section 37202, which requires the governing board of a school district to maintain all of the elementary day schools established by it for an equal length of time during the school year (SY), and all of the day high schools established by it for an equal length of time during the SY. This provision requires that students within a district at each grade level have the same number of instructional minutes across all schools.

In the LMSV Elementary School District, all middle schools will become grades six to eight middle schools beginning with the 2024–25 SY. This change will affect the students at the La Mesa Arts Academy (LMAAC). Prior to the 24-25 SY, the LMAAC served students in grades four to eight; it is now transitioning to become a middle school serving students in grades six through eight. The rising fifth grade students at LMAAC will have an increased instructional day by 15 minutes for one year, compared to the other fifth grade students enrolled in this district. By increasing the amount of instructional minutes provided to the rising fifth graders so that they have the same daily schedule as the students in grades six to eight, this waiver will allow the LMAAC to allow rising fifth grade students to remain at the LMAAC for the 2024–25 SY, rather than return to an elementary school for fifth grade and re-enroll in the LMAAC for sixth grade.

**Authority for Waiver**

*EC* Section 33050

## Recommendation

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

## Summary of Key Issues

*EC* Section 37202 (equity length of time) requires that students within a district at each grade level have the same number of instructional minutes across all schools.

In the LMSV Elementary School District, the instructional time is as follows:

* For grades TK through five, six hours and 20 minutes, inclusive of lunch.
* For grades six through eight, six hours and 35 minutes, inclusive of lunch.

Beginning with the 2024–25 SY, all LMSV middle schools will become grades six to eight middle schools. This change will affect the students at LMAAC within the LMSV Elementary School District. Prior to the 24-25 SY, LMAAC served grades four through eight, but is transitioning to only serving students in grades six through eight in the 2024–25 SY.

By increasing the instructional time of fifth graders to align with the instructional time requirements applicable to grades six through eight, this waiver will allow the LMAAC to allow rising fifth grade students (who were at the school as fourth graders in the 23-24 SY) to remain at the LMAAC for the 2024–25 SY, rather than return to an elementary school for fifth grade and re-enroll in the LMAAC for sixth grade. So that all 24-25 SY LMAAC students have the same daily schedule, including the rising fifth grade students, these rising fifth grade students will need to have an increased instructional day by 15 minutes for one year.

The California Department of Education (CDE) reviewed the waiver request and determined that there was no opposition to the waiver at the public hearing held by the governing board. The CDE also determined that none of the findings specified in *EC* Section 33051, which authorize denial of a waiver, exist. Thus, the CDE recommends the State Board of Education (SBE) approve the request by LMSV Elementary School District to waive *EC* Section 37202.

**Demographic Information:** LMAAC has a student population of 1,057 and is located in an urban setting in La Mesa, California.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 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

In July 2020, the SBE approved a waiver for equity length of time by LMSV Elementary School District to waive *EC* Section 37202, the equity length of time requirement for LMAAC.

In July 2022, the SBE approved a waiver for equity length of time by LMSV Elementary School District to waive *EC* Section 37202, the equity length of time requirement for LMAAC.

## Fiscal Analysis (as appropriate)

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

## Attachment(s)

* **Attachment 1:** Summary Table of Equity Length of Time State Board of Education Waiver (1 page)
* **Attachment 2:** La Mesa-Spring Valley Elementary School District General Waiver Request 14-4-2024 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table of Equity Length of Time State Board of Education Waiver

California *Education Code* Section 37202

| WaiverNumber | District Name,Size of District, andLocal BoardApproval Date | Period of Request | If granted, this waiver will be "permanent"per California *Education Code* Section 33501(b) | Bargaining Unit Name and Representative,Date of Action,and Position | Advisory Committee/School Site Council Name,Date of Reviewand Any Objections |
| --- | --- | --- | --- | --- | --- |
| 14-4-2024 | La Mesa-Spring Valley Elementary School District  11,032 Students  1,057 Students in La Mesa Arts Academy  June 24, 2024 | **Requested:**  July 1, 2024,  through  June 30, 2025  **Recommended:**  July 1, 2024,  through  June 30, 2025 | No | La Mesa-Spring Valley Teachers Association  Dennis Blevins,  President  March 13, 2024  **Support** | School Site Council  April 15, 2024  **No Objections** |

Created by California Department of Education

September 2024

# Attachment 2: La Mesa-Spring Valley Elementary School District General Waiver Request 14-4-2024

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768197

Waiver Number: 14-4-2024

Active Year: 2024

Date In: 4/18/2024 4:20:03 PM

Local Education Agency: La Mesa-Spring Valley

Address: 4750 Date Ave.

La Mesa, CA 91942

Start: 7/1/2024

End: 6/30/2025

Waiver Renewal: No

Waiver Topic: Equity Length of Time

Ed Code Title: Equity Length of Time

Ed Code Section: 37202

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 1050 Per California *Education Code* (*EC*), an optional period is now included in a school's instructional minutes.

Outcome Rationale: *EC* Section 37202 (Equity Length of Time) requires that students within a district at each grade level have the same number of instructional minutes across all schools. The La Mesa-Spring Valley School District (LMSV) is currently aligning the grade spans of all of the schools in its district to accommodate the expansion of TK. All middle schools will become 6-8 middle schools beginning with the 2024-2025 school year. Currently, La Mesa Arts Academy (LMAAC) serves students in Grades 4-8. LMSV is allowing current fourth graders to matriculate through the school and attend LMAAC for 5th grade during the 2024-2025 school year. LMAAC will be a 5-8 campus for one year only to provide instructional continuity for these students. In order to facilitate this, all students on the campus will need to be on the same daily schedule. This means that the fifth graders at LMAAC will have an additional 45 minutes of instruction per day for one year only. LMSV is requesting approval of these increased instructional minutes for one year only for the 90 students that we are supporting through this transitional year.

Student Population: 90

City Type: Suburban

Public Hearing Date: 4/9/2024

Public Hearing Advertised: Board meeting agenda posting 72 hours prior to meeting.

Local Board Approval Date: 4/9/2024

Community Council Reviewed By: LMAAC School Site Council; La Mesa-Spring Valley Teachers Association; CSEA; Board of Education

Community Council Reviewed Date: 4/15/2024

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Deann Ragsdale

Position: Deputy Superintendent

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Telephone: 619-668-5700 x6383

Bargaining Unit Date: 03/13/2024

Name: La Mesa-Spring Valley Teachers Association

Representative: Dennis Blevins

Title: President

Phone: 619-668-5700

Position: Support