

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education November 2022 AgendaItem #W-02

## Subject

Request by **Roseville Joint Union High 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 block schedules at the following high schools:

* Antelope High School
* Granite Bay High School
* Oakmont High School
* Roseville High School
* West Park High School
* Woodcreek High School

## Waiver Number

1-8-2022

## Type of Action

Action, Consent

## Summary of the Issue(s)

Roseville Joint Union High School District (RJUHSD) is requesting on behalf of six RJUHSD high schools 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 RJUHSD only take PE for one semester; therefore, RJUHSD 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 August 2, 2024 (two years less two days), 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. RJUHSD high schools will implement a block schedule 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 83 minutes per school day. This means that PE is taught for 415 minutes per school week (or 830 minutes each 10 school days). Therefore, the actual time that RJUHSD students are enrolled in PE meets the minimum minute requirements, if added on an annual basis (7,200 minutes).

The California Department of Education (CDE) has worked closely with RJUHSD 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:

| **Sample Student Schedules** | **Fall Term**18 Consecutive Weeks | **Spring Term**18 Consecutive Weeks |
| --- | --- | --- |
| Student A | Minutes per week of PE Instruction = 415  | Minutes per week of PE Instruction= 0 |
| Student B | Minutes per week of PE Instruction = 0 | Minutes per week of PE Instruction = 415 |

1. The PE instructional program at RJUHSD 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 65–89 minute daily class periods during the regular school year.
4. The RJUHSD 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 programs 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 high school in the RJUHSD shall have PE reviewed as a part of the district’s FPM process.

The data below includes the most recent California Physical Fitness Test (PFT) scores from the 2018–19 school year. This is due to the 2019–20 Executive Order N-56-20 and the 2020–21 Section 68, of Senate Bill 820 (Chapter 110, 2020), suspending the PFT respectively.

As required by SBE Waiver Policy 99-03, PE Requirements for Block Schedules, the 2017–18 and 2018–19 PFT data from the six high schools in the RJUHSD were reviewed and indicates the percentage of the grade nine students that met all six out of six fitness standards on each of the PFT items.

| School  | 2017–18 % of grade nine students who scored 6/6 on the fitness standards | 2018–19 % of grade nine students who scored 6/6 on the fitness standards |
| --- | --- | --- |
| Antelope High School | 42.6% | 36% |
| Granite Bay High School  | 19.5% | 23.8% |
| Oakmont High School  | 62.4% | 37.8% |
| Roseville High School | 44% | 56.2% |
| West Park High School | No Score (opened in 2020) | No Score (opened in 2020) |
| Woodcreek High School | 63.1% | 61.4% |

For the 2022–23 school year, local education agencies (LEAs) will not be required to report the raw PFT scores including the reporting of each component of the Healthy Fitness Zones to the CDE. Instead, LEAs will be required to submit participation results (by component and grade) as part of their annual School Accountability Report Card (SARC). Participation data needs to be submitted to the SARC by February 1 of the following year, 2023.

CDE records indicate that RJUHSD was previously approved in March 2009 for temporary SBE block schedule waivers for Antelope High School, Granite Bay High School, Oakmont High School, Roseville High School, and Woodcreek High School. The temporary waivers expired in June 2010. In December 2017, Roseville High School was found operating under a block schedule without an active SBE block schedule waiver on record as a result of an FPM compliance review. This resulted in RJUHSD receiving a Notification of Finding for PE instructional minutes. Approval of this waiver request will also assist RJUHSD in clearing the December 2017 Notification of Finding.

**Demographic Information:** RJUHSD has a student population of approximately 12,157 and is located in a suburban area in Placer County. The combined student enrollment for the six schools applying for the Block Schedule Waiver is 7,712 students.

**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

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 (1 page)
* **Attachment 2:** Roseville Joint Union High School District General Waiver Request 1-8-2022 (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** |
| --- | --- | --- | --- | --- | --- | --- |
| 1-8-2022 | Roseville Joint Union High School District | **Requested:**Start: 8/4/2022End: 6/6/2024**Recommended:**Start: 8/4/2022End: 8/2/2024 | Roseville Secondary Education AssociationRepresentative: Jessica ForkPresidentDate: 7/20/2022Position: Support | Public HearingLocal Board ApprovalDate: 7/28/2022 | It was published in accordance with Board Meeting Agenda requirements | Community Council Open Public HearingDate: 7/28/2022Objection: N |

Created by California Department of Education
November 2022

# Attachment 2: Roseville Joint Unified School District General Waiver Request 1-8-2022

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3166928

Waiver Number: 1-8-2022

Active Year: 2022

Date In: 8/15/2022 9:43:48 PM

Local Education Agency: Roseville Joint Union High

Address: 1750 Cirby Way

Roseville, CA 95661

Start: 8/4/2022

End: 6/6/2024

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

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: *EC* Section 51222(a) - All pupils, except pupils excused or exempted pursuant to Section 51241, shall be required to attend upon the courses of physical education for a total period of time of not less than 400 minutes each 10 schooldays.

Outcome Rationale: The Roseville Joint Union High School District has used a 4x4 Block Schedule for its comprehensive high schools for over 12 years. This scheduling model offers significant academic advantages for students, especially with sequential academic courses (Math, Language), Career Technical Education Programs of Study, as well as elective programs (Visual and Performing Arts). We request this waiver of one aspect of Physical Education requirements so that we can continue to offer the rich selection of courses, activities, and athletics that allow our students to complete sequences of prerequisite courses that this scheduling model offers.

Student Population: 10600

City Type: Suburban

Public Hearing Date: 7/28/2022

Public Hearing Advertised: Public announcement about the topic to be discussed was posted on district web page and posted on websites of all district schools. All posted information included the time, date, location, & agenda.

Local Board Approval Date: 7/28/2022

Community Council Reviewed By: Open public hearing on the PE Waiver proposal, reviewed by the school board.

Community Council Reviewed Date: 7/28/2022

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: Y

Submitted by: Mr. Mike Fischer

Position: Director of Digital Learning

E-mail: mfischer@rjuhsd.us

Telephone: 916-786-2051 x1146

Fax:

Bargaining Unit Date: 07/20/2022

Name: Roseville Secondary Education Association (RSEA)

Representative: Jessica Fork

Title: RSEA President

Phone: (916) 782-3753

Position: Support

Comments: