

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education July 2022 Agenda Item #W-19

## Subject

Request by **Vista Unified School District** to waive portions of California *Education Code* Section 60800(a) related to Physical Fitness Testing, specifically the testing window of February 1 through May 31 to be moved to the fall semester physical education classes, due to their 4x4 block schedule.

## Waiver Number

10-4-2022

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Vista Unified School District (USD) is seeking waiver status to administer the Physical Fitness Test (PFT) outside the administration window of February 1 through May 31. Vista USD operates on a 4x4 block schedule, which prevents grade nine students enrolled in physical education (PE) during the fall semester from participating in the mandated PFT administration window.

## Authority for Waiver

California *Education Code* (*EC*) Section 33050

## Recommendations

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

The California Department of Education (CDE) recommends that the California State Board of Education (SBE) approve Vista USD’s request that the PFT administration window be moved to the start of Vista USD’s fall semester, beginning July 1, 2022, and run through June 30, 2023.

## Summary of Key Issues

*EC* Section 60800(a) requires that, during the months of February, March, April, or May, the governing board of each school district maintaining any of grades five, seven, and nine administer to each student in those grades the physical performance test designated by the SBE.

The Vista USD operates a 4x4 block schedule and has grade nine students enrolled in PE for one semester during the fall months. The approval of this waiver will allow Vista USD to administer the PFT to students in the fall, in PE class, which is the most appropriate class for incorporating physical performance testing.

Vista USD has a student population of 1,659 and is located in a suburban area in San Diego County.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons set forth in *EC* 33051(a), available 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 March 2020, the SBE approved a waiver to move Vista USD’s PFT administration window to the fall semester for the 2019–21 academic year

(<https://www.cde.ca.gov/be/ag/ag/yr20/documents/mar20w03.docx>).

In March 2019, the SBE approved a waiver to move Vista USD’s PFT administration window to the fall semester for the 2018–19 academic year (<https://www.cde.ca.gov/be/ag/ag/yr19/documents/mar19w05.docx>).

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Summary of Actions to Date (1 Page)
* **Attachment 2:** Waiver 10-4-2022 Vista Unified School District (2 Pages) (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary of Actions to Date

Table 1 below includes actions taken to date in relation to Waiver Number 10-4-2022 in light of California *Education Code* Section 60800(a).

Table 1. Summary of Actions Related to Waiver Number 10-4-2022

| **Waiver**  **Number** | **District Name** | **Period of Request** | **Local Board and Public Hearing Date** | **Certificated Bargaining Unit Name and Representative,**  **Date of Action,**  **and Position** | **Advisory Committee/**  **School Site Council Name, Date of Review, and any Objections** |
| --- | --- | --- | --- | --- | --- |
| 10-4-2022 | Vista Unified School District | **Requested**  7/1/2022 to  6/30/2023  **Recommended**  7/1/2022 to  6/30/2023 | 11/14/2019 | Tod Critchlow, President, Vista Teacher Association  10/8/2019  **Neutral** | School Site Council and District School Board  11/14/2019  **No objections** |

Created by California Department of Education  
May 2022

# Attachment 2: Waiver 10-04-2022 Vista Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768452

Waiver Number: 10-4-2022

Active Year: 2022

Date In: 4/19/2022 6:42:58 PM

Local Education Agency: Vista Unified

Address: 1234 Arcadia Ave.

Vista, CA 92084

Start: 7/1/2022

End: 6/30/2023

Waiver Renewal: Yes

Previous Waiver Number: 11-11-2019-W-03

Previous SBE Approval Date: 3/11/2020

Waiver Topic: Physical Fitness Testing

Ed Code Title: Physical Fitness Testing

Ed Code Section: 60800(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: During the month of February, March, April, or May, the governing board of each school district maintaining any of grades 5, 7, and 9 shall administer to each pupil in those grades the physical performance test designated by the state board.

We are on a 4x4 block schedule and are requesting to be able to administer the PFT to students in grade 9 who take their PE class during our fall semester.

Outcome Rationale: This is a renewal request seeking permanent status to allow us to administer the Physical Fitness Test outside of the state testing window (earlier in the year) for our students who take PE during the fall semester. We operate on a 4x4 schedule, and currently, our students are enrolled in PE for one semester only. We have an additional waiver allowing for this scheduling setup.

Student Population: 1659

Local Board Approval Date: 11/14/2019

Public Hearing Date: 11/14/2019

Public Hearing Advertised: [www.vistausd.org](http://www.vistausd.org)

Local Board Approval Date: 11/14/2019

Community Council Reviewed By: Vista Unified School Board (Smithfield, Vargas, Morton, Alderson, Alvarado)

Community Council Reviewed Date: 11/14/2019

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Joshua Jones

Position: Assistant Principal

E-mail: [joshuajones@vistausd.org](mailto:joshuajones@vistausd.org)

Telephone: 760-758-6800 x73003

Fax:

Bargaining Unit Date: 10/08/2019  
Name: Vista Teachers Association  
Representative: Tod Critchlow  
Title: VTA President  
Position: Neutral