

California Department of Education

Executive Office

SBE-005 (REV. 1/2021)

General Waiver

# California State Board of EducationJuly 2023 AgendaItem #W-13

## Subject

Request by **Paradise Unified School District** to waive *California Code of Regulations,* Title 5, Section 3043(d), which requires a minimum of 20 school days for an extended school year (summer school) for students with disabilities.

## Waiver Number

8-3-2023

## Type of Action

Action, Consent

## Summary of the Issue(s)

The local educational agency (LEA) requested to provide instruction in fewer than the 20 school days required by law for extended school year (ESY). The LEA had an alternate schedule that allowed them to provide the minimum number of hours required, but in fewer days.

ESY is the term for the education of students with disabilities “between the close of one academic year and the beginning of the next,” similar to a summer school. The ESY must be provided for each student with a disability whose individualized education program (IEP) requires it. LEAs may request a waiver to provide an ESY program for fewer days than the traditional mode.

## Authority for Waiver

*Education Code (EC)* Section 33050

## Recommendation

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

The California Department of Education (CDE) recommends the State Board of Education (SBE) approve the request from the LEA to provide ESY services for fewer than 20 days, from June 12, 2023, to July 1, 2023. The CDE recommends no conditions at this time since this waiver is retroactive and the LEA met all the conditions that the CDE would have recommended as a condition of approval of the waiver, as described below. Specifically, CDE has verified that school day hours were consistent with those provided to the general education enrollment at the same grade level unless an IEP specifies otherwise, and that special education and related services offered during the ESY period were comparable in standards, scope, and quality to the special education program offered during the regular academic year as required by *CCR,* Title 5, Section 3043.

## Summary of Key Issues

### Paradise Unified School District (PUSD)

The PUSD requested a reduced Extended School Year Program schedule that allowed the district to operate their program for a total of 15 days in June and July 2023, from June 12, 2023 to July 1, 2023. The PUSD stated that shorter ESY schedule resulted in substantial savings in transportation, utilities, janitorial, food services, administration, and clerical costs. The PUSD stated that the 15 day ESY model allowed for all of the expenses associated with the program to be accounted for in one fiscal year, rather than two.

CDE verified that PUSD’s ESY program operated for 5.5 hours per day, five days per week (Monday through Friday) totaling 82.5 hours. This is more hours than if PUSD provided the ESY program for 20 days. CDE verified that the 5.5 hours per day of the ESY program aligned with PUSD’s general education summer school program hours.

**Demographic Information**: The Paradise Union School District has a student population of 1,670 and is located in a rural area in Butte County.

**Because these are general waivers, if the SBE decides to deny the waivers, it must cite one of the seven reasons in *EC* Section 33051(a), available on the California Legislation Information web page at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=33051.&lawCode=EDC>.

## Summary of Previous State Board of Education Discussion and Action

In the past, the SBE approved waivers to allow school districts to provide the required minimum amount of instruction in fewer days during the ESY for students with disabilities.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval. However, in order for an LEA to qualify for average daily attendance (ADA) revenues for extended year pupils, LEAs must comply with the ADA requirements in *California Code of Regulations (CCR)*, Title 5, Section 3043(f).

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Paradise Unified School District General Waiver Request 8-3-2023 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

*California Code of Regulations,* Title 5, Section 3043(d)

| Waiver Number | District | Period of Request | District’s Request | CDE Recommendation | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 8-3-2023 | Paradise Unified School District | **Requested:**June 12, 2023, to July 1, 2023(Monday through Friday)**Recommended:**June 12, 2023, to July 1, 2023(Monday through Friday) | To provide a 15-day extended school year (ESY) program instead of a 20-day ESY program | Approval with conditions to allow the local educational agency (LEA) to provide a 15-day ESY program instead of a 20-day ESY program | Lori Larsson/ President California School Employees Association11/15/23SupportRachel Kagen/ President Teacher’s Association of Paradise2/8/2023Support | 12/13/2022 | The LEA may not provide a 15-day ESY program |

Created by the California Department of Education

May 2022

# Attachment 2: Waiver 8-3-2023 Paradise Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 0461531

Waiver Number: 8-3-2023

Active Year: 2023

Date In: 3/9/2023 11:14:08 AM

Local Education Agency: Paradise Unified

Address: 6696 Clark Rd.

Paradise, CA 95969

Start: 6/12/2023

End: 7/1/2023

Waiver Renewal: Yes

Previous Waiver Number: 5-5-2022-w-08

Previous SBE Approval Date: 9/14/2022

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: CCR, Title 5, Section 3043(d)

Ed Code Authority: 33050

Education Code or CCR to Waive: California Code of Regulations, Title 5,Section 3043(d) [An extended year program shall be provided for a minimum of 20 instructional days, including holidays.]

Outcome Rationale: Paradise Unified School District is requesting a general waiver to reduce the minimum instructional days for ESY from twenty (20) to fifteen (15) days. We request authorization to waive the instructional days from 4 hours per day for 20 days to 5.5 hours per day for 15 days for ESY. Fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration, and clerical costs. The proposed model of providing 15 days of instruction will allow for all of the expenses to be accounted for in on fiscal year, rather than two. The proposed instructional days will also provide the same or greater number of instructional minutes to our Special Education Students.

Student Population: 1670

City Type: Rural

Public Hearing Date: 12/13/2022

Public Hearing Advertised: Online, email, window posting at school sites

Local Board Approval Date: 12/13/2022

Community Council Reviewed By: LCAP/ESSER

Community Council Reviewed Date: 12/6/2022

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Tristaka Parker

Position: Administrative Assistant - Student Services

E-mail: tparker@pusdk12.org

Telephone: 530-872-6400 x1229

Fax: 530-872-9708

Bargaining Unit Date: 11/15/2022

Name: CSEA

Representative: Lori Larsson

Title: President

Phone: 5308726400

Position: Support

Bargaining Unit Date: 02/08/2022

Name: TAP

Representative: Rachel Kagan

Title: President

Phone: 5308726400

Position: Support