

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of Education March 2023 Agenda Item #W-02

## Subject

Request by the **Madera Unified School District** to waive portions of California *Education Code* Section 48663(a), relating to community day school minimum instructional minutes.

## Waiver Number

3-10-2022

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by the Madera Unified School District (USD) for a waiver of portions of the California *Education Code* (*EC*) Section 48663(a), relating to community day school (CDS) minimum instructional minutes for purposes of implementing collaborative professional learning communities (PLCs). It also provides for expanding to one day of each week for a PLC, in contrast with the previous waivers that provided for one day of each month.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

The California Department of Education recommends approval of this waiver with the following conditions:

* The Ripperdan CDS operated by the Madera USD will reduce the instructional minutes provided to students on one day per week by 75 minutes to 285 instructional minutes for purposes of implementing collaborative PLCs.
* The Ripperdan CDS will increase all other days from 360 minutes to 385 minutes resulting in 25 additional minutes above the statutory minimum (for a total of 100 additional minutes) for a net gain of 25 additional instructional minutes for students over the week.

## Summary of Key Issues

*EC* Section 48663(a) states that CDSs have a minimum instructional day of 360 minutes. The Madera USD is requesting this waiver to be able to include the Ripperdan CDS teachers, administrator, and other school staff in regularly scheduled PLC discussions and districtwide professional development and planning. The district maintains that this has been very successful in the past years in allowing the district to provide consistency and better quality in instructional strategies at all sites. For the CDS, this is extremely valuable as students often arrive with significant challenges as well as strengths which can be identified and utilized to address these challenges. The change to weekly meetings will enable the CDS staff to respond more powerfully, and in a timely manner than the previous monthly sessions.

In addition to the weekly gain in instructional minutes as provided in the recommended waiver conditions above, and Attachment 3: Ripperdan Instructional Minutes, the yearly instructional minutes will be above the yearly statutory goal of 64,800 minutes for 180 days of instruction. If approved, the Ripperdan CDS would be providing a total of 66,400 minutes, which is 1,600 minutes above the statutory yearly total.

The Ripperdan CDS has successfully operated starting with the 2017–18 school year in accordance with the previous waivers of minimum instructional minutes that provided for the operation of one professional development day each month. This is a request for the 2022-23 school year. Should Madera USD wish to continue to operate the program in the 2023-24 school year and beyond, a new waiver application will need to be submitted.

### Local Support

The Madera USD voted unanimously in support of the waiver request. The California School Employees Association supports the waiver through its president, Cheri Giddens. The Madera Unified Teachers Association has taken a support position on the waiver through its president, David Holder. The Ripperdan School Site Council had no objections.

### Demographic Information:

The Madera USD has a student population of 21,282 students and is located in a small city setting in Madera County.

**Because this is a general waiver, if the State Board of Education (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

The SBE has approved several previous waiver requests of the minimum instructional day in a CDS where the district agreed that, if instructional minutes were reduced during one day of the week, other days would be extended so that the total instructional minutes provided to students during the week would equal or exceed the total as normally provided under statute. The Madera USD’s Ripperdan CDS complied with all of the conditions of the previous waivers to provide total instruction minutes that would equal or exceed the total provided under the statute.

## Fiscal Analysis

There is no statewide fiscal impact of this waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table of Community Day School State Board of Education Waiver (1 page)
* **Attachment 2:** Madera Unified School District General Waiver Request 3-10-2022 (3 pages). (Original Waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Ripperdan Community Day School Instructional Minutes (1 page)

# Attachment 1: Summary Table of Community Day School State Board of Education Waiver

Portions of California *Education Code* (*EC*)Section 48663(a)

| WaiverNumber | District Name,Size of District, andLocal BoardApproval Date | Period of Request | If granted, this waiver will be "permanent"per *EC* Section 33501(b) | Bargaining Unit Name and Representative,Date of Action,and Position | Advisory Committee/ Schoolsite Council Name,Date of Review,and Any Objections |
| --- | --- | --- | --- | --- | --- |
| 3-10-2022 | Madera Unified School District  21,282 Students  43 Students in Ripperdan Community Day School  September 13, 2022 | **Requested:**  October 6, 2022,  through  September 1, 2023  **Recommended:**  October 6, 2022,  through  September 1, 2023 | No | California School Employees Association  Cheri Giddens,  President  September 30, 2022  **Support**  Madera Unified Teachers Association David Holder, President September 30, 2022 **Support** | Ripperdan School Site Council  September 29, 2022  **No Objections** |

Created by California Department of Education April 11, 2022

# Attachment 2: Madera Unified School District General Waiver Request 3-10-2022

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2065243

Waiver Number: 3-10-2022

Active Year: 2022

Date In: 10/4/2022 8:50:08 AM

Local Education Agency: Madera Unified

Address: 1902 Howard Rd.

Madera, CA 93637

Start: 10/6/2022

End: 9/1/2023

Waiver Renewal: N

Previous Waiver Number: 18-9-2018-W-03, 1-10-2017-W-19

Previous SBE Approval Date: 1/9/2019, 1/18/2018

Waiver Topic: Community Day Schools (CDS)

Ed Code Title: Minimum School Day

Ed Code Section: 48663(a) Community Day School

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: Request to waive Ed Code 48663(a). The minimum schoolday in a community day school is 360 minutes of classroom instruction provided by a certificated employee of the district reporting the attendance of the pupils for apportionment funding.

Outcome Rationale: To allow our Community Day School staff to participate in professional learning community and other district-level professional development opportunities, we would like to be authorized to reduce the instructional day one day per week by 75 minutes to a total of 285 minutes. We will increase all other days to 385 minutes resulting in 25 additional minutes above the statutory minimum (for a total of 100 additional minutes) for a net gain of 25 additional instructional minutes for students over the week.

Student enrollment at Ripperdan Community Day School is approximately 43.

The Madera Unified School District Board of Trustees approved this item unanimously 6-0.

Student Population: 21,282

City Type: Small

Public Hearing Date: 9/13/2022

Public Hearing Advertised: Agenda was posted in the district office window and publicized online on the district website.

Local Board Approval Date: 9/13/2022

Community Council Reviewed By: Ripperdan School Site Council

Community Council Reviewed Date: 9/29/2022

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Mr. Lalo Lopez

Position: Area Assistant Superintendent

E-mail: [ladislaolopez@maderausd.org](mailto:ladislaolopez@maderausd.org)

Telephone: 559-675-4500 x244

Fax:

Bargaining Unit Date: 09/30/2022

Name: California School Employees Association (CSEA)

Representative: Cheri Giddens

Title: President of CSEA

Phone: 559-675-4548

Position: Support

Comments:

Bargaining Unit Date: 09/30/2022

Name: Madera Unified Teachers Association (MUTA)

Representative: David Holder

Title: MUTA President

Phone: 559-960-2801

Position: Support

Comments:

# Attachment 3: Ripperdan Community Day School Instructional Minutes

## Ripperdan Community Day School Instructional Minutes 2022–2023

| **Regular Day** | **Early Release Day** |
| --- | --- |
| Monday, Tuesday, Wednesday, Friday | Thursday |
| 8:30 a.m.–3:35 p.m. | 8:30 a.m.–2 p.m. |
| 10 Minute Break | 10 Minute Break |
| 30 Minute Lunch | 35 Minute Lunch |

Beginning October 6, 2022

**Required Minutes 360 minimum x 180 days = 64,800 Minutes**

Regular Day 385 minimum x 151 days = 58,135 Minutes

Early Release 285 minimum x 29 days = 8,265 Minutes

**Total Minutes 180 days = 66,640 Minutes**

**Difference + 1,600 Minutes**