# Seal for the California State Board of Education

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education January 2024 Agenda Item #W-01

## Subject

Request by **Placer 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 a block schedule at Del Oro High School.

## Waiver Number

1-8-2023

## Type of Action

Action, Consent

## Summary of the Issue(s)

Del Oro High School is requesting to continue a 4X4 block schedule 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 Placer Union High School District (PUHSD) was granted a temporary waiver with conditions for Del Oro High School by the State Board of Education (SBE) at their May 18, 2022, meeting. The PUHSD submitted this waiver (W-1-8-2023) after the renewal date deadline.

## 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 6, 2025 (two years less one day), consistent with 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

The SBE approved with conditions the PUHSD request for a temporary waiver to waive portions of *EC* Section 51222(a), related to the statutory minimum requirement of 400 minutes of PE each 10 school days for students in grades nine through twelve in order to implement a block schedule at Del Oro High School during the May 18, 2022, meeting. The temporary waiver was granted for the period from August 10, 2021, to August 8, 2023. The conditions specified were that the district must renew this waiver before August 8, 2023 (two years less one day from August 10, 2021, the date that the temporary waiver started), create a uniform way for the school site to document and report to the district evidence of compliance, and collect documentation that provides evidence of compliance for each waiver criteria applicable to SBE Waiver Policy 99-03 annually.

The PUHSD submitted an incomplete online application on August 4, 2023. The application was complete on September 22, 2023, once PUHSD received community council and local board approval. Therefore, the PUHSD did not meet the conditions of their renewal date of August 8, 2023 (two years less one day), consistent with SBE Waiver Policy 99-03 annually.

*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. During the 2023–24 academic year, Del Oro High School 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.

Students at Del Oro High School are enrolled in PE for 18 weeks of the school year, receiving instruction for an average of 80 minutes per school day. This means that PE is taught for 400 minutes per school week (or 800 minutes each 10 days). Therefore, the actual time that Del Oro High School students are enrolled in PE meets the minimum minute requirement, if added on an annual basis (7,200 minutes).

|  |  |  |
| --- | --- | --- |
| **Sample Student Schedules** | **Fall Term**  18 Consecutive Weeks | **Spring Term**  18 Consecutive Weeks |
| Student A | Minutes per week of PE Instruction = 400 | Minutes per week of PE Instruction = 0 |
| Student B | Minutes per week of PE Instruction = 0 | Minutes per week of PE Instruction = 400 |

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

1. The PE instructional program at Del Oro High School complies with 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 for an average of 80 minutes daily class periods during the regular school year.
4. The district 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 include: 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 the *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, Del Oro High School, in the PUHSD, shall have PE reviewed as a part of the district’s FPM process.

The SBE Waiver Policy 99-03 requires that the California Physical Fitness Test (PFT) data will be reviewed for school(s) who request a waiver, initially and on request for renewal of the waiver to determine improvement or at minimum, maintenance of students’ levels of health-related fitness. The CDE is currently following emergency regulations that require LEA(s) to administer the PFT to eligible students only using five testing components and the LEAs are only required to report the PFT student participation results which exclude Healthy Fitness Zone fitness scores at this time.

**Demographic Information:** Del Oro High School has a student population of 1,600 and is located in a suburban area in Placer County.

**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

The SBE approved with conditions the PUHSD’s request for a temporary waiver to waive portions of *EC* Section 51222(a), related to the statutory minimum requirement of 400 minutes of PE each 10 school days for students in grades nine through twelve in order to implement a block schedule at Del Oro High School during the May 18, 2022, meeting. The conditions specified were that the district must renew this waiver before August 8, 2023, create a uniform way for the school site to document and report to the district evidence of compliance, and collect documentation that provides evidence of compliance for each waiver criteria applicable to SBE Waiver Policy 99-03 annually.

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 Placer Union High School District (1 page)
* **Attachment 2:** Placer Union High School District General Waiver Request 1-8-2023 (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 (EC)* 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** |
| --- | --- | --- | --- | --- | --- | --- |
| 1-8-2023 | **Placer Union High School District** | **Requested:**  8/8/2023 to  8/7/2025  **Recommended:**  8/8/2023 to8/6/2025 | Bargaining Unit Date: 07/26/2023  **Associated Teachers of Placer**  **Representative:** Mike Sabins  **Title**: President  **Position:** Support | **Public Hearing:** 9/22/2023  **Local Board Approval:** 9/22/2023  **Objection**: No | Public Agenda | **Community Council Reviewed By:** Department Chairs  **Review Date:** 9/8/2023  **Objection:** No |

Created by California Department of Education  
January 2024

# Attachment 2: Placer Union High School District General Waiver Request 1-8-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3166894

Waiver Number: 1-8-2023

Active Year: 2023

Date In: 8/4/2023 1:19:24 PM

Local Education Agency: Placer Union High

Address: 13000 New Airport Rd.

Auburn, CA 95603

Start: 8/8/2023

End: 8/7/2025

Waiver Renewal: Yes

Previous Waiver Number: 1-12-2021-W-07

Previous SBE Approval Date: 8/10/2021

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: All pupils, except pupils excused or exempted pursuant to *Education Code* 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 school days].

Outcome Rationale: The reasoning for the transition and our continued use of the 4x4 block, is it has allowed us to build more academic opportunities for our students to take a broad course of study. In a traditional system (six classes per year) students can take 24 courses. In the 4x4, students can take up to 32 courses. This increase also provides a cushion to students if they happen to fail a course or two without endangering their graduation status. It also allows students the opportunity to accelerate in certain content areas.

Student Population: 1600

City Type: Suburban

Public Hearing Date: 9/22/2023

Public Hearing Advertised: Advertised on public agenda

Local Board Approval Date: 9/22/2023

Community Council Reviewed By: Department Chairs

Community Council Reviewed Date: 9/8/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Trenton Wilson

Position: Executive Director

E-mail: [twilson@puhsd.k12.ca.us](mailto:twilson@puhsd.k12.ca.us)

Telephone: 530-886-4424

Bargaining Unit Date: 07/26/2023  
Name: Associated Teachers of Placer  
Representative: Mike Sabins  
Title: President, ATP  
Phone: 530-885-4581  
Position: Support