

WILLOWS UNIFIED SCHOOL DISTRICT
Office of the Superintendent

Date: 06/10/10

Request For Placement on Board Agenda:

AGENDA TOPIC: Specific Waiver Request

PRESENTER: Betty Skala, Director of Business Services

Background Information:

Under the authority of California Education Code 41382, to waive portions of Education Code Section 41376 (a), (c), and (d), relating to class size penalties for grades one through three. Allowable class size average is 30 to one (overall average) with no one class larger than 32 for grades one to three; we wish to increase overall average class size to 33 to one and individually no class greater than 36 to one.

Under the authority of California Education Code 41382, to waive portions of Education Code Section 41378 (a through e), relating to class size penalties for grades kindergarten. Allowable class size average is 31 to one (overall average) with no one class larger than 33 for kindergarten; we wish to increase overall average class size to 35 to one and individually no class greater than 35 to one.

As required by the waiver process, we have consulted with both bargaining groups and conducted a site council meeting for input on this waiver and their comments have been included.

Recommendations:

Request permission to submit on the district's behalf this waiver to the California State Board of Education by June 30, 2010 to meet the deadline for the next waiver board meeting in September 2010.

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver: x
Renewal Waiver:

Send Original plus one copy to:
 Waiver Office, California Department of Education
 1430 N Street, Suite 5602
 Sacramento, CA 95814

Send Electronic copy in **Word** and
 back-up material to: waiver@cde.ca.gov

CD CODE					

Local educational agency: Willows Unified School District		Contact name and Title: Betty Skala, Director of Business Services		Contact person's e-mail address: bskala@willowsunified.org	
Address: 823 W. Laurel Street	(City) Willows	(State) CA	(ZIP) 95988	Phone (and extension, if necessary): 530-934-6600, ext 5 Fax number: 530-934-6609	
Period of request: (month/day/year) From: July 1, 2010 To: June 29, 2012			Local board approval date: (Required) June 18, 2010		

LEGAL CRITERIA

1. Authority for the waiver: **ED Code 41382** Specific code section: **41376 through 41382**
 Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.

See Attachment #1

2. *Education Code* or *California Code of Regulations* or portion to be waived.
 Section to be waived: **41376, a, c, d & 41378, a, b, c, d, e** Circle One: *EC* or *CCR*

 Brief Description of the topic of the waiver:
Waive class size penalty for exceeding the statewide district average of 30 pupils per teacher in grades 1-3 (EC Section 41376) and any class enrollment over 33 or average enrollment exceeds 31 for kindergarten (EC section 41378)

3. If this is a renewal of a previously approved waiver, please list Waiver No: **N/A** and date of SBE approval _____
 Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

 Does the district have any employee bargaining units? ___ No **X** Yes If yes, please complete required information below:

 Bargaining unit(s) consulted on date(s): **May 17, 2010**

 Name of bargaining units and representative(s) consulted: **Willows Unified Teachers Association/Shelly Amaro/President along with negotiating team.**

 The position(s) of the bargaining unit(s): **X** Neutral ___ Support ___ Oppose (*Please specify why*)

 Comments (if appropriate): WUTA indicated they could not take a position on this issue at this time and indicated a neutral position. Question was how would this benefit teachers? The response was due to our financial situation, to avoid penalties and the need to increase class size, benefits the district's bottom-line, therefore it benefits teachers as well.

5. Advisory committee or school site council that reviewed the waiver. Name: Murdock Elementary School Site Council

Per EC 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request.
Date advisory committee/council reviewed request: 5/27/2010

Approve Neutral Oppose

Were there any objection? Yes No (If there were objections please specify) **See Attachment #1**

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6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

See Attachment #1

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

See Attachment #1

8. Demographic Information:
Willows Unified School District has a student population of 1,719 and is located in a rural community in Glenn County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No Yes
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title: Superintendent	Date:
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Signature of SELPA Director (only if a Special Education Waiver)	Date:
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Staff Name (type or print):	Staff Signature:	Date:
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Unit Manager (type or print):	Unit Manager Signature:	Date:
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Division Director (type or print):	Division Director Signature:	Date:
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Deputy (type or print):	Deputy Signature:	Date:
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#1 Attachment – Application Section 1 – Authority for the waiver

EC 41382 – The principal of any elementary school maintaining Kindergarten classes or regular day classes in grades 1-3, inclusive, may recommend to the governing board of the school district. Or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378 or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendations, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378 or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provisions of such sections.

#1 Attachment – Application Section 5 – Advisory Committee/School Site Council

They indicated they are neutral and may not agree with larger class sizes, but understand the financial situation that the district faces. They do not want to see penalties that would ultimately impact the district, resulting in greater losses of resources to serve the educational needs of the students. Felt that class sizes over 20-25 are not serving the best interest of the children. Some indicated that the district could make different decisions to avoid being in this position.

#1 Attachment – Application Section 6 – Education Code to section to be waived

41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) ~~For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.~~

~~—For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent

classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

~~—(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.~~

~~—(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964-65 and each year thereafter the information required for the determination to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction.

Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification

qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular school day. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular school day.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964-65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 41601 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.
41378

The superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes.

- ~~(a) The number of pupils enrolled in each kindergarten classes, the total enrollment in all such classes, and the average number of pupils enrolled per class.~~
- ~~(b) The total number of pupils which are in excess of thirty three (33) in each class having an enrollment of more than thirty three (33).~~
- ~~(c) The total number of pupils by which the average class size in the district exceeds 31.~~
- ~~(d) The greater number of pupils as determined in (b) or (c) above.~~
- ~~(e) He shall compute the product pursuant to subdivision (d) of this section by ninety seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

#1 Attachment – Application Section 7 – Desired Outcome/Rational

Willows Unified School District is seeking to temporarily increase the average class size in Grades kindergarten through third grade in order to reduce expenditures. This waiver is necessary to address fiscal challenges faced by our district as well as those throughout the State. We have in the past two years cut over \$2 million from our budget reflecting approximately 17% reduction in general fund and now based on current projections and the Governor's proposed budget for 2010-11, we must cut at

least \$1.8 million in order to remain solvent for 2010-11 and 2011-12. Based on our proposed budget for 2010-11, our reserve for Economic Uncertainties is estimated just over 1% meeting the required level, however below the recommended and required for 2011-12 of 3%. We have also been facing declining enrollment with students leaving our rural area for locations outside of our county. Our district resides in a rural farming community lacking employment opportunities and with the uncertainty of our local economy in conjunction with the state's situation, faces possibly further reductions in enrollment as families leave the area to seek employment. Having this temporary flexibility regarding class size can help the district address specific local and economic conditions. It will also give us the time over the next two years to reassess our fiscal position to lower class sizes.

We are seeking the class size penalty in grades one through three be waived provided that the overall average is not larger than 33 to one and no class is larger than 36 to one. The waiver is for fiscal years 2010-11 and 2011-12.

We are seeking that the class size penalty in kindergarten be waived provided that the overall average is not larger than 35 to one or no class is larger than 35 to one. The waiver is for fiscal years 2010-11 and 2011-12.

Willows Unified School District, in particular our elementary school, until this year, has not been in PI status. Our academic program in place has been and will continue to meet our high academic standards. Our scores have been increasing over the past several years and due to the dedicated staff our goal is to continue in an upward direction despite these difficult economic times. We continue to offer intervention for grades one through three that are at risk, provide professional development when necessary, and offer as many resources to support academic achievement. Despite increased class size, academic achievement and support of our educational responsibilities will remain as our primary objective and goal supporting our mission:

"We are committed to providing a safe, enriched, student-centered learning environment where all our students can:

- realize their full academic potential,
- develop respect and tolerance for themselves and others, and
- become involved, responsible citizens"