

**From:** [Andrea Ball](#)  
**To:** [JLAC](#)  
**Subject:** New Info: Late School Time Not Waivable; Info for LEAs affected by wildfires & power outages  
**Date:** Wednesday, October 30, 2019 3:12:35 PM  
**Attachments:** [LtrfromCDE.LCFFtimelineforreporting.10.30.19.pdf](#)

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## I. Late School Start Time Requirements Not Waivable

Earlier today, the California Department of Education posted information on its website stating that the Education Code Section added by SB 328 cannot be waived by the State Board of Education. While the bill itself did not contain language that the provisions are not waivable, it added code to a section that is not waivable under existing law – part 26, related to apportionments. (See Ed Code Section 33050(a) (11) listing code sections that are not waivable).

Below is excerpt of what the CDE has posted and you can also find at by this [link](#).

### Waiver Process for the California State Board of Education

#### **SB 328, Portantino. Pupil Attendance: School Start Time**

- On October 13, 2019 Governor Newsom signed SB 328 (Ch. 868, Statutes of 2019) into law. This law prohibits middle schools from beginning no earlier than 8:00am, and high schools no earlier than 8:30am, except for zero periods. The bill exempts rural school districts from its requirements.
- High schools and middle schools, including charter schools, must make this change beginning July 1, 2022 or the date on which a school district's or charter school's respective collective bargaining agreement that is operative on January 1, 2020, expires, whichever is later.
- The law adds Education Code (EC) 46148 to existing code. This EC Section cannot be waived by the State Board of Education. For a complete list of EC sections that cannot be waived, please see the following link <https://www.cde.ca.gov/re/lr/wr/nonwaivable.asp>.
- Because the statute is not waivable by the SBE, CDE will return any request to waive EC 46148 to the local educational agency submitting the waiver.

## II. CDE Notice for local educational agencies affected by wildfires and power outages re: timeline for reporting LCFF local indicators for the Dashboard.

Given the number of local educational agencies affected by wildfires and power outages, CDE will work with affected local educational agencies unable to meet the November 1 deadline to report status of local indicators. Please notify CDE by November 6<sup>th</sup> if your LEA is not able to meet the deadline. See attached for more information and you can e-mail [lccff@cde.ca.gov](mailto:lccff@cde.ca.gov) or call 916-319-0809. A copy of the letter is attached.

## III. Websites with resources/information for those affected by power outages and wildfires:

State of California site: [Power Outage and Fire Response Resources](#)

<https://response.ca.gov/>

- CDE Wildfire Recovery Frequently Asked Questions; FAQs for School Districts and Superintendents regarding wildfire recovery in California.  
<https://www.cde.ca.gov/ls/ep/wildfirerecoveryfaqs.asp>
- CDE information on School Closure Considerations, Information about public safety power shutoff (PSPS) school closure considerations  
<https://www.cde.ca.gov/ls/ep/schoolclosurecons.asp>
- Form J-13A; Information regarding submission of the Request for Allowance of Attendance Due to Emergency Conditions, Form J-13A.  
<https://www.cde.ca.gov/fg/aa/pa/j13a.asp>
- Other Resources from CDE: The following resources from the California Department of Education address frequently asked questions related to emergency response and recovery. <https://www.cde.ca.gov/ls/fa/sf/resourcescderfq.asp>

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