

November 16, 2012

TO: All County Superintendents of Schools
District Superintendents of Schools
County Offices of Education and
Charter School Administrators

FROM: Jack Ehnes
Chief Executive Officer

SUBJECT: EMPLOYER DIRECTIVE 2012-06
Supersedes Employer Directive 2012-04
Reduction of Instructional Year and the Full-Time Minimum Standard for
Prekindergarten through Grade 12 Employers

PURPOSE

The purpose of this directive is to notify employers that the change to Education Code Section 22138.5 contained in Chapter 38, Statutes of 2012 (SB 1016 – Committee on Budget and Fiscal Review) did not become operative.

SCOPE

The provisions set forth in this section of Chapter 38, Statutes of 2012, applies to all prekindergarten through grade 12 school districts, county offices of education and charter schools.

DISCUSSION

Compensation earnable represents the compensation the employee would earn if he or she worked full-time. Full-time is defined as the number of days or hours required for full-time employment. While this may vary by employer or class of employees, Education Code section 22138.5, in part, establishes the minimum standards for full-time in prekindergarten through grade 12. In no circumstance can the base days be below the minimum standard as described in Education Code 22138.5.

Chapter 38 would have amended Education Code Section 22138.5 to authorize prekindergarten through grade 12 school districts, county offices of education or charter schools to reduce the minimum number of days of instruction by up to 15 days for the 2012-13 or the 2013-14 fiscal years, effectively reducing the instructional year minimum to no less than 160 days (or equivalent number of instructional hours, equal to the number of days of instruction times six). Chapter 38 did not impact community colleges.

This section of Chapter 38 would have become operative on December 15, 2012 only if the Schools and Local Public Safety Protection Act of 2012 (Proposition 30), was not approved by the voters at the November 6, 2012 statewide general election.

On November 6, 2102, the Schools and Local Public Safety Protection Act of 2012 was approved by the voters at the statewide general election; therefore, this section of Chapter 38 will not become operative.

ACTION

No action needs to be taken.

If you have any questions or need additional information, please contact your county office of education or CalSTRS representative.