

WAIVERS

The Governing Board recognizes that strict compliance with the law may sometimes hinder the district's ability to provide its students with an effective, well-rounded educational program. When it is in the interest of district students, the Board may request that the State Board of Education (SBE) waive any provision of state or federal law or regulation which it has authority to waive pursuant to Education Code 33050.

Any waiver request to be submitted to the SBE shall first be approved by the Board. The Superintendent or designee shall ensure that each proposed waiver request includes all information necessary for the Board to analyze the need for the waiver and make an informed decision.

Prior to presenting the proposed request for Board approval, the Superintendent or designee shall consult with and obtain the approval of any advisory committee or site council when required by law.

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)

In addition, the Superintendent or designee shall involve the exclusive representative of district employees in the development of the waiver request, and shall include in the request the exclusive representative's position regarding the waiver. (Education Code 33050)

(cf. 4140/4240/4340 - Bargaining Units)

To receive public testimony on each waiver request proposal, the Board shall hold a properly noticed public hearing during a Board meeting. (Education Code 33050)

The notice, which shall state the time, date, location, and subject of the public hearing, may be printed in a newspaper of general circulation or posted at each school and three public places in the district.

(cf. 9320 - Meetings and Notices)

When the district has requested and received the same general waiver from the SBE for two consecutive years, the Board is not required to reapply annually if the information contained on the request remains current. However, the district shall apply annually for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

Legal Reference: (see next page)

WAIVERS (continued)

Legal Reference:

EDUCATION CODE

305-311 *Structured English immersion program; parental exception waivers*
5000-5033 *Governing board elections*
8750-8754 *Grants for conservation education*
10400-10407 *Cooperative improvement programs*
17047.5 *Facilities used by special education students*
17291 *Portable school buildings*
33050-33053 *General waiver authority*
37202 *Equity length of time*
41000-41360 *School finance*
41381 *Minimum school day*
41600-41854 *Computation of allowances*
41920-42842 *Budget requirements; local taxation by school districts*
44520-44534 *New Careers Program*
44666-44669 *School-Based Management and Advanced Career Opportunities*
44681-44689 *Administrator Training and Evaluation*
45108.7 *Maximum number of senior management positions*
48660-48666 *Community day schools*
48800 *Attendance at community college*
49550-49560 *Meals for needy students*
51224.5 *Algebra instruction*
51745.6 *Charter school independent study ratio*
52160-52178 *Bilingual-Bicultural Education Act of 1976*
52340-52346 *Career Guidance Centers*
52522 *Plans for adult education*
52850-52863 *School-Based Program Coordination*
54100-54145 *Miller-Unruh Basic Reading Program*
54407 *Waiver for compensatory education programs*
56000-56867 *Special education programs*
58407 *Waiver related to individualized instruction program*
58900-58928 *Restructuring demonstration programs*
60119 *Public hearing on sufficiency of instructional materials*
60851 *High school exit examination, waiver for student with disabilities*
CODE OF REGULATIONS, TITLE 5
1032 *Academic Performance Index*
3100 *Resource specialist caseload waivers*
3945 *Cooperative programs*
9531 *Instructional materials funding*
11960 *Charter school attendance*
11963.4 *Charter school percentage funding*
13017 *Waivers, compensatory education New Careers in Education Program*
13044 *Waivers, compensatory education Professional Development and Program Improvement Programs*

Legal Reference continued: (see next page)

WAIVERS (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

7115 *Safe and Drug Free Schools, authorized activities*

Management Resources:

WEB SITES

California Department of Education, Waiver Office: <http://www.cde.ca.gov/re/lr/wr>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>