

Policy 1431: Waivers

Status: DRAFT

Original Adopted Date: 02/06/2007 | **Last Revised Date:** 06/21/2022 | **Last Reviewed Date:** 06/21/2022

The Governing Board recognizes that circumstances may arise in the operation of the district that require a waiver from state law or regulation. 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 law or regulation which SBE has authority to waive pursuant to Education Code 33050.

Any waiver request to be submitted to 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.

If the proposed waiver request affects a program that requires the existence of a school site council, the Superintendent or designee shall obtain the school site council's approval of the request before presenting it to the Board. As appropriate, other councils or advisory committees, including bilingual advisory committees, shall be provided adequate opportunity to review a proposed waiver request, and the request shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33051)

In addition, the Superintendent or designee shall consult with 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, 33051)

A request for a waiver related to a regional occupational center or program operated by a joint powers agency shall be submitted as a joint waiver request with other participating school districts upon approval of a unanimous vote of the governing board of the joint powers agency. (Education Code 33050)

To receive public testimony on each proposal for a waiver request, 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 and invite public testimony, ~~may~~**shall** be printed in a newspaper of general circulation ~~and/or~~, posted at each school and three public places in the district, ~~or published on the district's website.~~

If the district determines that a waiver is needed for more than one year, the Board shall reapply to SBE. When the Board has requested and received the same general waiver from SBE for two consecutive years, the Board does not subsequently need to reapply annually provided that the information contained on the request remains current, except that the district shall apply annually for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 33050-33053	General waiver authority - https://simbli.eboardsolutions.com/SU/Z43hmCst0gQT7SnBxRFv6g==
Ed. Code 48000-48003	Kindergartens - https://simbli.eboardsolutions.com/SU/v8PZQjUGDjhs53slshXA3vGag==
Ed. Code 48800	Attendance at community college - https://simbli.eboardsolutions.com/SU/plusubKJND24QXXZv7alT7gGA==
Ed. Code 51747.3	Charter school independent study funding - https://simbli.eboardsolutions.com/SU/AFsmvqZUuKjCgPphjZslshkYg==
Ed. Code 56000-56865	Special education programs - https://simbli.eboardsolutions.com/SU/py2K4CXw98zsvRq5YA0RGQ==
Ed. Code 65000-65001	School site councils - https://simbli.eboardsolutions.com/SU/OEAplZMGH2XevzVUba2cw==

Management Resources References

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Department of Education, Waiver Office - https://simbli.eboardsolutions.com/SU/Hf0S03Px2zslsh5RfLAjIH59A==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUuIsaq7efc7aH4Q==

Cross References

	Description
0420	School Plans/Site Councils - https://simbli.eboardsolutions.com/SU/DyK0YaDQplusW63SpOOgvT99g==
0420	School Plans/Site Councils - https://simbli.eboardsolutions.com/SU/ELwFdqqM1dImLodslshc59CTg==
0420.41	Charter School Oversight - https://simbli.eboardsolutions.com/SU/fBUmN4bwDThaLuHgfpSQslshw==
0420.41-E PDF(1)	Charter School Oversight - https://simbli.eboardsolutions.com/SU/SYERo3Avrfrpluspr6aJMw9Scg==
0420.41-E(1)	Charter School Oversight - https://simbli.eboardsolutions.com/SU/7swt4BxqQXZVIMQkUmRmww==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/7obBkz3eDZdX6UuwdxRCNQ==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/tHSbWzMDkTpvVHIUAI5KQ==
3280	Sale Or Lease Of District-Owned Real Property - https://simbli.eboardsolutions.com/SU/Nm0zHuGE2qDJhcxxXLezvQ==
3280	Sale Or Lease Of District-Owned Real Property - https://simbli.eboardsolutions.com/SU/PnlYLMCRQVxCjiB5CrIHYA==
4112.23	Special Education Staff - https://simbli.eboardsolutions.com/SU/7yZr4zmN9aJHwnMsEcPKcg==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/6Pqde0zZhVZAlrjACIGPHw==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/6GVDfYHJHM4qeE50UHPplusNg==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/5inmVY7h4wplusHtXCGcdWBTA==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/zE2rFwkQKAxvhGSm9WioAQ==
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education - https://simbli.eboardsolutions.com/SU/OI956zlyPdQEs8NVNyBZaQ==
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education - https://simbli.eboardsolutions.com/SU/yN432YBtjjslsh9PRUbo6bmg==
6178.2	Regional Occupational Center/Program - https://simbli.eboardsolutions.com/SU/Jc1u7vpV6ST8UnysQFNtrQ==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/d3byKNXKI19slshRQNoSURfaQ==