

Policy 1431: Waivers

Status: DRAFT

Original Adopted Date: 02/06/2007 | **Last Revised Date:** 09/18/2018 | **Last Reviewed Date:** 09/18/2018

The Governing Board recognizes that strict compliance with circumstances may arise in the law may sometimes hinder operation of the district's ability to provide its students with an effective, well-rounded educational program. 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 or federal law or regulation which ~~it~~ **SBE** 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.

If the proposed waiver request for Board approval affects a program that requires the existence of a school site council, the Superintendent or designee shall consult with and obtain the approval of any school site council's approval of the request before presenting it to the Board. As appropriate, other councils or advisory committee or site council when required 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 law: the councils or advisory committees. (Education Code 33051)

In addition, the Superintendent or designee shall involve **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 waiver request 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 be printed in a newspaper of general circulation **and/or** posted at each school and three public places in the district.

If the district determines that a waiver is needed for more than one year, the Board shall reapply to SBE. When the district ~~Board~~ has requested and received the same general waiver from the SBE for two consecutive years, the Board ~~is~~ **does** not ~~require~~ **subsequently need** to reapply annually **if provided that** the information contained on the request remains current. ~~However,~~ **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

5 CCR 11960	Charter school attendance
5 CCR 11963.4	Charter school percentage funding
5 CCR 13017	Waivers, compensatory education New Careers in Education Program
5 CCR 13044	Waivers, compensatory education Professional Development and Program Improvement Programs
5 CCR 3100	Waivers of maximum caseload for resource specialists
5 CCR 3945	Cooperative programs
Ed. Code 10400-10407	Cooperative improvement programs - https://simbli.eboardsolutions.com/SU/7fyn0nUuu7rwqQI0ax6FRA==

Ed. Code 17047.5	Facilities used by special education students - https://simbli.eboardsolutions.com/SU/2qQClv4PvcGypfpluspPQqtrw==
Ed. Code 17291	Portable school buildings
Ed. Code 33050-33053	General waiver authority
Ed. Code 37202	Equity length of time
Ed. Code 41000-41360	School finance
Ed. Code 41381	Minimum school day
Ed. Code 41600-41854	Computation of allowances
Ed. Code 41920-42842	Budget requirements; local taxation by school districts
Ed. Code 44666-44669	School-Based Management and Advanced Career Opportunities
Ed. Code 44681-44689	Administrator Training and Evaluation
Ed. Code 45108.7	Maximum number of senior management positions
Ed. Code 48660-48666	Community day schools
Ed. Code 48800	Attendance at community college
Ed. Code 49550-49560	Meals for needy students
Ed. Code 5000-5033	Governing board elections
Ed. Code 51224.5	Algebra instruction
Ed. Code 51747.3	Charter school independent study funding
Ed. Code 52160-52178	Bilingual-Bicultural Education Act of 1976
Ed. Code 52522	Plans for adult education
Ed. Code 54407	Waiver for compensatory education programs
Ed. Code 56000-56867	Special education programs
Ed. Code 58407	Waiver related to individualized instruction program
Ed. Code 60119	Public hearing on sufficiency of instructional materials
Ed. Code 65000-65001	School site councils

Federal References

20 USC 1400-1482
20 USC 7115

Description

Individuals with Disabilities Education Act
Student Support and Academic Enrichment Grants

Management Resources References

Website

Description

California Department of Education, Waiver Office -
<https://simbli.eboardsolutions.com/SU/Hf0S03Px2zslsh5RfLAjH59A==>

Website

Commission on Teacher Credentialing -
<https://simbli.eboardsolutions.com/SU/cxWNIqRUuIsaq7efc7aH4Q==>

Cross References

0420

School Plans/Site Councils -
<https://simbli.eboardsolutions.com/SU/DyK0YaDQplusW63SpOOgvT99g==>

0420

School Plans/Site Councils -
<https://simbli.eboardsolutions.com/SU/ELwFdqqM1dlmLodslshc59CTg==>

0420.41

Charter School Oversight -
<https://simbli.eboardsolutions.com/SU/YgWPTHzspluscilwthplus0wslsh5Q==>

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Charter School Oversight -
<https://simbli.eboardsolutions.com/SU/SYERo3Avfrpluspr6aJMw9Scg==>

- 1220 Citizen Advisory Committees -
<https://simbli.eboardsolutions.com/SU/7obBkz3eDZdX6UuwdxRCNQ==>
- 1220 Citizen Advisory Committees -
<https://simbli.eboardsolutions.com/SU/tHSbWzMDkTpvVHIIUAI5KQ==>
- 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/PnYLMCRQVxCjIB5CrIHYA==>
- 4112.23 Special Education Staff -
<https://simbli.eboardsolutions.com/SU/7yzt4zmN9aJHwnMsEcPKcg==>
- 4140 Bargaining Units -
<https://simbli.eboardsolutions.com/SU/Me9RciM9hArmlwaa2ObDsQ==>
- 4240 Bargaining Units -
<https://simbli.eboardsolutions.com/SU/Q7v5ZHk0L1RKpslbbtMO3w==>
- 4340 Bargaining Units -
<https://simbli.eboardsolutions.com/SU/tg00qOmHqwH523KetmcluA==>
- 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/oiYXKslsh80jHeH45DKeevTeA==>
- 6159.2 Nonpublic, Nonsectarian School And Agency Services For Special Education -
<https://simbli.eboardsolutions.com/SU/yN432YBtjSslsh9PRUbo6bmg==>
- 6178.2 Regional Occupational Center/Program -
<https://simbli.eboardsolutions.com/SU/Jc1u7vpV6ST8UnysQFNtrQ==>
- 9320 Meetings And Notices -
<https://simbli.eboardsolutions.com/SU/OxDNy6bT6iJslshUjLW43u4bg==>