

Salinas City Elementary School District

WAIVERS

Note: This policy covers waivers that require State Board of Education (SBE) approval. It does not cover waivers which require approval from either the Commission on Teacher Credentialing or the Superintendent of Public Instruction, such as waivers for Alternative Schools.

When certain provisions of Education Code or Code of Regulations, Title 5 prevent the District from offering its students the best possible educational program, the Governing Board may request the State Board of Education to waive these provisions. District administrators, staff, advisory committees, and councils shall identify the need for waiver requests and provide the Board information needed to make the waiver request.

General Waiver Requests

The Board shall hold a properly noticed public hearing on all general waiver requests. (Education Code 33050)

The Board shall include the exclusive employee representative in the development of the waiver and shall seek the participation of appropriate councils or advisory committees.

A waiver request must include a statement as to whether the exclusive employee representative participated in the development of the waiver and the exclusive employee representative's position on the waiver. Waiver requests shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33051)

If the waiver affects a program that requires the existence of a school site council, the school site council must approve the request. (Education Code 33051)

Specific Waiver Requests

Note: A specific waiver is one that is expressly authorized in the Education Code. Examples of specific waiver authorizations are found in Education Code 56101 - Special Education and Education Code 52863 - School Based Program Coordination Act.

The Board shall hold a properly noticed public hearing on all specific waiver requests when required by law or when the Board desires community participation in the development of the waiver.

The Board shall include the exclusive employee representative, school site council, advisory committees and councils in the development of specific waivers when required by law or when affected by the waiver request.

Salinas City Elementary School District

WAIVERS

The Board may grant, in whole or in part, any request for waiver when the facts indicate that failure to grant the waiver would hinder the implementation of the student's individualized education program or compliance by a District, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities. (EC 56101)

NOTE: Legal References are listed in full to assist staff to submit waiver requests>

Legal Reference:

EDUCATION CODE

- 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
- 41000-41360 School finance
- 41381 Minimum school day
- 41600-41854 Computation of allowances
- 41920-42842 Instructional television; guaranteed yield program; financial statements of school Districts; budget requirements; local taxation by school Districts
- 44520-44534 New program for careers
- 44666-44669 School-Based Management and Advanced Career Opportunities for Classroom Teachers Programs
- 44670.1-44671.5 Local Staff Development Programs
- 44681-44689 Administrator Training and Evaluation
- 45108.7 Maximum number of senior management positions
- 51870-51879.5 Educational Technology Local Assistance
- 52000-52049 School Improvement Plans
- 52033 Waiver on request of school site council
- 52059.5 Waiver to implement improvement plans
- 52122.6-52122.8 Class size reduction - impacted school sites
- 52160-52178 Bilingual-Bicultural Education Act of 1976
- 52180-52186 Bilingual teacher waiver
- 52200-52212 Gifted and Talented Pupils Program
- 52340-52346 Career Guidance Centers
- 52850-52863 School-Based Coordinated Program
- 54000-54061 Disadvantaged Youth Program
- 54100-54145 Miller-Unruh Basic Reading Program
- 54407 Waiver for compensatory education programs
- 54665 Waiver for dropout prevention program
- 54720-54734 School-Based Pupil Motivation and Maintenance

Salinas City Elementary School District

WAIVERS

Page Three

56000-56885 Special education programs
58407 Waiver related to individualized instruction program
58603 Waiver for compensatory education programs
58900-58928 Restructuring demonstration programs
CODE OF REGULATIONS, TITLE 5
13017 Waivers
13044 Waivers
UNITED STATES CODE, TITLE 20
1400 - 1491o Individuals with Disabilities in Education Act