

WAIVERS

~~The Board of Education may request that the State Board of Education waive certain provisions of the Education Code, Title 5 regulations, or the federal law when such provisions prevent the district from offering its students the best possible educational program. The Superintendent or designee, advisory committees, or site councils shall identify the need for the Board to submit waiver requests and shall provide the Board with the necessary information to analyze the need for the waiver.~~

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)

~~(cf. 0420 - School Plans/Site Councils)
(cf. 0420.1 - School-Based Program Coordination)
(cf. 1220 - Citizen Advisory Committees)~~

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

~~(cf. 9320 - Meetings and Notices)~~

~~The Board shall include the exclusive employee representative in the development of the waiver.~~

~~(cf. 4140 - Bargaining Units)~~

~~If the waiver affects a program that requires the existence of a school site council, the school site council shall first approve the request.~~

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)

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

WAIVERS (continued)

~~For general waivers, the request to the State Board of Education shall 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. General waiver requests shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33050)~~

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)

(cf. 6178.2 - Regional Occupational Center/Program)

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 be printed in a newspaper of general circulation and/or posted at each school and three public places in the district.

(cf. 9320 - Meetings and Notices)

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)

Legal References:

EDUCATION CODE

~~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 program for careers~~

~~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~~

WAIVERS (continued)

48800 Attendance at Community College
 49550-49560 Meals for needy students
 51224.5 Algebra instruction
 51747.3 Charter school independent study funding
 51745.6 Charter school independent study radio
 51870-51874 Educational Technology
 52053-52055.55 Immediate Intervention for Underperforming Schools Program
 52055.600-52055.662 High Priority Schools Grant Program
 52080-52090 Class size reduction grade 9
 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
 52522 Plans for adult education
 52850-52863 School-Based Coordinated Program
 54000-54041 Disadvantaged Youth Program
 54100-54145 Miller-Unruh Basic Reading Program
 54407 Waiver for compensatory education programs
 56000-~~56885~~ 56867 Special education programs
 65001 School site councils
 58407 Waiver related to individualized instruction program
 58900-58928 Restructuring demonstration programs
 60119 Public hearing on sufficiency of instructional materials
 60422 Instructional materials funding realignment program
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
 13044 Waivers
UNITED STATES CODE, TITLE 20
 1400-14872 Individuals with Disabilities in 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>

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ALVORD UNIFIED SCHOOL DISTRICT
Riverside, California