

Community Relations

Waivers

When certain provisions of Education Code or 5 CCR prevent the district from offering its students the best educational program, the Board of Trustees 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.

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

The Board may 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)

(cf. 0420 – School Plans/Site Councils)

(cf. 0420.1 – School-Based Program Coordination)

(cf. 0420.3 – School-Based Student Motivation and Maintenance Program)

(cf. 0420.5 – School-Based Decision Making)

Specific Waiver Requests

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.

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. (Education Code 56101)

Community Relations

Waivers (continued)

Legal Reference:

EDUCATION CODE

8759-8754 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
44681-44689 Administrator Training and Evaluation
45108.7 Maximum number of senior management positions
51870-51874 Educational Technology 52000-52049 School Improvement Plans
52033 Waiver on request of school site council
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
52850-52863 School-Based Coordinated Program
54000-54041 Disadvantaged Youth Program
54407 Waiver for compensatory education programs
54720-54734 School-Based Pupil Motivation and Maintenance
56000-56885 Special education programs
58407 Waiver related to individualized instruction program
58900-58928 Restructuring demonstration programs

CODE OF REGULATIONS, TITLE 5

3100 Resource Specialist caseload waivers
13017 Waivers
13044 Waivers

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

Policy Adopted: March 23, 1987

Policy Revised: September 26, 2005;