

WAIVERS

When certain provisions of Education Code or 5 CCR prevent the district from offering its students the best possible 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.

General Waiver Requests

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

(cf. 9320 - Meetings and Notices)

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.

(cf. 1220 - Citizen Advisory Committees)

(cf. 4140/4240 - Bargaining Units)

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

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office with federal mandates for a free, appropriate education for children or youth with disabilities. (Education Code 56101)

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*
51870-51874 *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*
52340-52346 *Career Guidance Centers*
52850-52863 *School-Based Coordinated Program*
54000-54041 *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*
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
3100 *Resource specialist caseload waivers*
13017 *Waivers*
13044 *Waivers*
UNITED STATES CODE, TITLE 20
1400-1487 *Individuals with Disabilities in Education Act*