

WAIVERS

The Board of Trustees 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 that it 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 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. 1220 - Citizen Advisory Committees)

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)

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

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 waiver request proposal, 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, 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)

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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 the SBE for two consecutive years, the Board does not need to reapply annually provided that the information contained on the request remains current. However, the District shall apply annually for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

Legal Reference:

EDUCATION CODE

- 33050-33053 General waiver authority
- 48800 Attendance at community college
- 51745.6 Charter school independent study funding
- 56000-56867 Special education programs
- 65001 School site councils

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>

Adopted: January 28, 2014