

WAIVERS

When certain provisions of Education Code or 5 CCR 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)

(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. 0420.2 - School Improvement Program)
(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 consult with 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.

WAIVERS (continued)

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)

*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

13017 Waivers

13044 Waivers

UNITED STATES CODE, TITLE 20

1400-14987 Individuals with Disabilities in Education Act