

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.

General Waiver Requests

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)

(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 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 students 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

44681-44689 Administrator Training and Evaluation

45108.7 Maximum number of senior management positions

48800 Attendance at Community College

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

54000-54028 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

56000-56867 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 FRESNO UNIFIED SCHOOL DISTRICT

adopted: November 26, 1991 Fresno, California

revised: June 28, 2000