

**WAIVERS**

The Board of Trustees recognizes that strict compliance with the law may sometimes hinder the district's ability to provide its students with an effective, well-rounded educational program. 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 or federal law or regulation which 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/Principal 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.

Prior to presenting the proposed request for Board approval, the Superintendent/Principal or designee shall consult with and obtain the approval of any advisory committee or site council when required by law.

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 1220 - Citizen Advisory Committees)*

In addition, the Superintendent/Principal or designee shall involve 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)*

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 or posted at the school and three public places in the district.

*(cf. 9320 - Meetings and Notices)*

When the district has requested and received the same general waiver from the SBE for two consecutive years, the Board is not required to reapply annually if 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: (see next page)*

**WAIVERS (continued)**

*Legal Reference:*

EDUCATION CODE

- 5000-5033 Governing board elections*
- 10400-10407 Cooperative improvement programs*
- 17047.5 Facilities used by special education students*
- 17291 Portable school buildings*
- 33050-33053 General waiver authority*
- 37202 Equity length of time*
- 41000-41360 School finance*
- 41381 Minimum school day*
- 41600-41854 Computation of allowances*
- 41920-42842 Budget requirements; local taxation by school districts*
- 44666-44669 School-Based Management and Advanced Career Opportunities*
- 44681-44689 Administrator Training and Evaluation*
- 45108.7 Maximum number of senior management positions*
- 48660-48666 Community day schools*
- 48800 Attendance at community college*
- 49550-49560 Meals for needy students*
- 51224.5 Algebra instruction*
- 51745.6 Charter school independent study ratio*
- 52160-52178 Bilingual-Bicultural Education Act of 1976*
- 52522 Plans for adult education*
- 54407 Waiver for compensatory education programs*
- 56000-56867 Special education programs*
- 58407 Waiver related to individualized instruction program*
- 60119 Public hearing on sufficiency of instructional materials*
- CODE OF REGULATIONS, TITLE 5
- 1032 Academic Performance Index*
- 3100 Resource specialist caseload waivers*
- 3945 Cooperative programs*
- 11960 Charter school attendance*
- 11963.4 Charter school percentage funding*
- 13017 Waivers, compensatory education New Careers in Education Program*
- 13044 Waivers, compensatory education Professional Development and Program Improvement Programs*
- UNITED STATES CODE, TITLE 20
- 1400-1482 Individuals with Disabilities Education Act*
- 7115 Safe and Drug Free Schools, authorized activities*

*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>*