

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Specific Waiver

# California State Board of Education July 2018 Agenda Item #W-14

## Subject

Request by two local educational agencies to waive, for two students with disabilities, California *Education Code* Section 51224.5(b), the requirement that all students complete a course in Algebra I (or equivalent) to be given a diploma of graduation, consistent with *Education Code* Section 56101.

## Waiver Number

* Los Alamitos Unified School District 3-4-2018
* Pleasanton Unified School District 1-4-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

Two local educational agencies (LEAs) request to waive the requirement that all students graduating in the 2017–18 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for two students with disabilities based on *Education Code* (*EC)* Section 56101, the special education waiver authority.

## Authority for Waiver

*Education Code* Section 56101

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

The California Department of Education recommends the State Board of Education (SBE) approve the requests to waive only the requirement the students successfully complete a course in Algebra I (or its equivalent) for the 2017–18 graduation year; with the condition students meet all other course requirements stipulated by the governing boards of the school districts and California *EC* Section 51225.3 in order to receive a high school diploma.

## Summary of Key Issues

For the review of this waiver request, the LEAs provided the following documentation for each student:

* A valid, current copy of the student’s individualized education program (IEP) highlighting the areas of mathematic deficiencies, and how the student’s needs in mathematics were addressed.
* Previous annual IEPs showing the student was consistently on a diploma-track, and IEPs were written to support the student’s participation in diploma-track math courses, particularly algebra.
* The specific assistance the district provided to the student which included supplementary aids, services, accommodations, test modifications, and supports to attain the diploma-track goal for the algebra requirement.
* A copy of the student’s Education Summary Report highlighting attempts to pass algebra and pre-algebra classes.

The above documentation was confidentially reviewed by two special education consultants. The LEAs’ documentation provided facts indicating failure to approve these waiver requests would result in the students not meeting graduation requirements.

**Demographic Information:**

The Los Alamitos Unified School District has a student population of 9,598 and is located in a suburban area in Orange County.

The Pleasanton Unified School District has a student population of 14,847 and is located in a suburban area in Alameda County.

## Summary of Previous State Board of Education Discussion and Action

In 2000, *EC* Section 51224.5 was enacted to require students to complete a course in Algebra I, as a condition of receiving a high school diploma. The Algebra I requirement applied to students who were scheduled for graduation beginning in 2003−04. All waiver requests of this type have been granted by the SBE for students with disabilities.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver(s) approval.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Los Alamitos Unified School District Waiver 3-4-2018

(2 pages) (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 3:** Pleasanton Unified School District Waiver 1-4-2018 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 56101

| Waiver Number | School District, School | Period of Request | District’s Request | CDE Recommended | Local Board Approval Date | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- |
| 3-4-2018 | Los Alamitos Unified School District | **Requested:**  April 2, 2018, to  June 30, 2018  **Recommended:**  April 2, 2018, to  June 30, 2018 | To waive the Algebra I (or equivalent) graduation requirement for one student to receive a diploma of graduation | Approval with conditions to waive the Algebra I (or equivalent) graduation requirement for one student to receive a diploma of graduation | April 2, 2018 | Failure to approve the waiver request would result in the student not meeting graduation requirements |
| 1-4-2018 | Pleasanton Unified School District | **Requested:**  April 2, 2018, to  August 15, 2018  **Recommended:**  April 2, 2018, to  August 15, 2018 | To waive the Algebra I (or equivalent) graduation requirement for one student to receive a diploma of graduation | Approval with conditions to waive the Algebra I (or equivalent) graduation requirement for one student to receive a diploma of graduation | March 27, 2018 | Failure to approve the waiver request would result in the student not meeting graduation requirements |

Created by California Department of Education   
May 2018

# Attachment 2: Waiver 3-4-2018 Los Alamitos Unified School District

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 3073924

Waiver Number: 3-4-2018

Active Year: 2018

Date In: 4/3/2018 2:12:12 PM

Local Education Agency: Los Alamitos Unified

Address: 10293 Bloomfield St.

Los Alamitos, CA 90720

Start: 4/2/2018

End: 6/30/2018

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Algebra I Requirement for Graduation

Ed Code Section: 51224.5

Ed Code Authority: 56101

Ed Code or *CCR* to Waive: *Education Code* Section 56101: (a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or to the compliance of a district, special education local plan area, or county office with the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), and federal regulations relating thereto.

(b) The board may grant, in whole or in part, any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil'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.

Outcome Rationale: Student is on a diploma track for high school graduation and has attempted to take and pass Algebra 1 without success. IEP servcies, goals, and accommodations to the curriculum have been attempted to help the student fulfill the Algebra 1 requirement without success. The Greater Anaheim SELPA is requesting that the Algebra 1 requirement be waived for this student.

Student Population: 9598

City Type: Suburban

Local Board Approval Date: 4/2/2018

Audit Penalty Yes or No: N o

Categorical Program Monitoring: No

Submitted by: Dr. Paul Lavigne

Position: Executive Director-Greater Anaheim SELPA

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# Attachment 3: Waiver 1-4-2018 Pleasanton Unified School District

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 0175101

Waiver Number: 1-4-2018

Active Year: 2018

Date In: 4/2/2018 11:43:41 AM

Local Education Agency: Pleasanton Unified School District

Address: 4665 Bernal Ave.

Pleasanton, CA 94566

Start: 4/2/2018

End: 8/15/2018

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Algebra I Requirement for Graduation

Ed Code Section: 51224.5

Ed Code Authority: 56101

Ed Code or *CCR* to Waive: 51224.5 (a) The adopted course of study for grades 7 to 12, inclusive, shall include algebra as part of the mathematics area of study pursuant to subdivision (f) of Section 51220.

(b) Commencing with the 2003-2004 school year and each year thereafter, at least one course, of a combination of the two curses in mathematics required to be completed pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 51225.3 by

pupils while in grades 9 to 12 inclusive, prior to receiving a diploma of graduation from high school, shall meet or exceed the rigor of the content standards for Algebra 1, as adopted by the State Board of Education pursuant to Section 60605.

(c) If at any time, in any of grades 7 to 12, inclusive, or in any combination of those grades a pupil completes coursework that meets or exceeds the academic content standards for Algebra. paragraph (1) of subdivision (a) of Section 51225.3.

*Education Code* Section 56101: (a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or to the compliance of a district, special education local plan area, or county office with the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), and federal regulations relating thereto.

(b) The board may grant, in whole or in part, any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil'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.

Outcome Rationale: Outcome Rationale: Student has met all HS graduation requirements except Algebra 1. Student has been given supports by general education and special education and despite this, support student has not been able to pass Algebra due to student's learning disability.

Student Population: 14847

City Type: Suburban

Local Board Approval Date: 3/27/2018

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Ruth Espinosa

Position: Program Specialist

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