

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

Extended School Year

# California State Board of EducationMarch 2018 AgendaItem #W-13

## Subject

Request by 10 local educational agencies to waive *California Code of Regulations,* Title 5, Section 3043(d), which requires a minimum of 20 school days for an extended school year (summer school) for students with disabilities.

## Waiver Number

* Butte County Office of Education 22-11-2017
* Chula Vista Elementary School District 5-11-2017
* Fall River Joint Unified School District 12-11-2017
* Fremont Union High School District 13-12-2017
* Greenfield Union School District 8-11-2017
* San Marcos Unified School District 2-12-2017
* San Pasqual Valley Unified School District 28-11-2017
* South Bay Union School District 11-12-2017
* Tulare County Office of Education 5-12-2017
* Visalia Unified School District 15-12-2017

## Type of Action

Action, Consent

## Summary of the Issue(s)

Ten local educational agencies (LEAs) request to be allowed to provide instruction in fewer than the 20 school days required by law for extended school year (ESY). Each LEA proposes an alternate schedule that will allow them to provide the minimum number of hours required, but in fewer days.

### Authority for Waiver

*Education Code (EC)* Section 33050

## Recommendation

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

The California Department of Education recommends that the State Board of Education (SBE) approve the request from 10 LEAs to provide ESY services for fewer than 20 days with the condition that instructional hours are consistent with those provided to the general education enrollment at the same grade level unless an individualized education program (IEP) specifies otherwise. Also, special education and related services offered during the ESY period must be comparable in standards, scope, and quality to the special education program offered during the regular academic year as required by *California Code of Regulations (CCR),* Title 5, Section 3043.

## Summary of Key Issues

### Butte County Office of Education (BCOE)

The BCOE has applied for a waiver to provide ESY services utilizing a 15-day model of six hours of instruction per day. This schedule will better match the district calendars of the sites where BCOE classes are located, and will allow students more opportunities to be with their typically developing peers. Oroville Unified and Paradise Unified school districts are also seeking an ESY waiver which will align services and supports to neighboring school districts. Fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration, and clerical costs to the BCOE. The proposed model will also allow for all of the ESY expenses to be accounted for in one fiscal year, rather than two.

Demographic Information: The BCOE has a student population of 1,213, and is located in a rural area in Butte County.

### Chula Vista Elementary School District (CVESD)

The CVESD operates a year-round schedule with a six-week summer break. There is no other summer school program in the district, and the traditional four-week ESY program greatly shortens the only opportunity for the school community and staff to take a summer vacation with their families. Therefore, the LEA is proposing a 15-day program with 80 hours of instruction, the same number of hours as the traditional four-week program. The CVESD also believes that this proposal will allow for better staffing and attendance, greater learning opportunities, as well as saving on operational, facilities, and transportation costs.

Demographic Information: The CVESD has a student population of 30,053, and is located in an urban area in San Diego County.

### Fall River Joint Unified School District (FRJUSD)

The FRJUSD is proposing to provide ESY services utilizing a 15-day schedule of 5 hours and 30 minutes each day. The proposed schedule will provide more instructional hours than the standard 20-day schedule. The 15-day ESY schedule will allow the FRJUSD to provide appropriate academic support, and will reduce related costs for transportation and building maintenance. It will also allow more flexibility for families to plan for the holiday weekend without interrupting students’ education programs.

Demographic Information: The FRJUSD has a student population of 1,232, and is located in a rural area in Shasta County.

### Fremont Union High School District (FUHSD)

The FUHSD is proposing to provide ESY services utilizing a 15-day schedule of 5 hours and 30 minutes each day, providing the same amount of instructional hours as the standard 20-day ESY schedule. The proposed schedule will allow the FUHSD to provide more continuity for delivery of instruction, promotion of community based instruction, and will increase the opportunities for travel training. It would facilitate cost effective services within the classrooms and reduce costs for transportation, electricity, custodial services, etc. Additionally, it would expand uninterrupted opportunities for school custodial staff to improve facilities before school re-opens in the Fall.

Demographic Information: The FUHSD has a student population of 10,869, and is located in an urban area in Santa Clara County.

### Greenfield Union School District (GUSD)

The GUSD proposes to provide ESY services utilizing a 16-day model of 5 hours and 30 minutes of instruction per day. This proposal provides more hours of instruction than the traditional 20-day ESY program. Fewer ESY days will facilitate cost effective services within the district and allow for students with disabilities to participate in educational experiences along with their non-disabled peers.

Demographic Information: The GUSD has a student population of 9,361, and is located in an urban area in Kern County.

### San Marcos Unified School District (SMUSD)

The SMUSD is proposing to provide ESY utilizing a four-week, 16-day schedule of 5 hours each day. The proposed schedule will provide the same amount of instructional hours as the SMUSD’s general education summer school program for students of the same age. A 16-day schedule will increase the likelihood that highly qualified staff who work with students during the school year will apply to work during ESY. The proposal aims to increase overall attendance by eliminating the requirement for Friday attendance, which has had historically low numbers. An additional benefit is that the schedule can reduce related costs for transportation, electricity, custodial services, food services, and administration.

Demographic Information: The SMUSD has a student population of 9,361, and is located in an urban area in San Diego County.

### San Pasqual Valley Unified School District (SPVUSD)

The SPVUSD proposes an alternate ESY schedule of 15 instructional days to be delivered over a three-week period of 5 hours and 30 minutes per day. This schedule will provide 82.5 hours of instruction, which exceeds the 80 hours of instruction delivered in a traditional 20-day model. The SPVUSD asserts that the proposed schedule will provide more continuity in the delivery of instruction between general education and special education by matching the schedule of the general education summer school program. In addition, it will also give students and families the flexibility to plan extended weekend breaks without interrupting the students’ educational programs. The SPVUSD states the shortened number of days will facilitate cost effective services within classrooms, and reduce related costs for transportation, electricity, custodial services, food services, and administration.

Demographic Information: The SPVUSD has a student population of 714, and is located in a rural area in Imperial County.

### South Bay Union School District (SBUSD)

The SBUSD is proposing to provide ESY services utilizing a 15-day schedule of 5 hours and 45 minutes each day. The 15-day ESY schedule will provide more instructional hours than the traditional 20-day schedule, and will allow the SBUSD to address the regression and recoupment needs of identified students. The shortened schedule will likely increase the SBUSD’s ability to hire highly qualified ESY staff.

Demographic Information: The SMUSD has a student population of 7,750, and is located in an urban area in San Diego County.

### Tulare County Office of Education (TCOE)

The TCOE is proposing to provide ESY utilizing a 15-day schedule of 5 hours and 15 minutes of instruction each day. The 15-day schedule will provide the same amount of instructional hours as the normally provided 20-day schedule. The proposed ESY schedule will align with district program operations, reduce travel time for students and reduce program costs.

Demographic Information: the TCOE has a student population of 280, and is located in a rural area in Tulare County.

### Visalia Unified School District (VUSD)

The VUSD is requesting a waiver to provide ESY services to eligible students in grades preschool through 12th grade utilizing a 16-day schedule of 5 hours of instruction per day for a total of 80 hours per summer session. For the past four years, through approved waivers, the VUSD provided ESY programs utilizing a four week schedule of four days per week of five hours per day which were very successful for students, families, and program staff. The district wishes to continue to provide the proposed 16-day schedule for the 2018 and 2019 ESY programs. This proposal will allow all special education staff the opportunity to participate in staff development activities that occur in the summer, and give more flexibility to students and their families for summer planning. It will also reduce transportation and facility costs.

Demographic Information: The VUSD has a student population of 29,000, and is located in an urban area in Tulare County.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a), available on the California Legislation Information Web page at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=33051.&lawCode=EDC>.

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

In the past, the SBE approved waivers to allow school districts to provide the required minimum amount of instruction in fewer days during the ESY for students with disabilities.

ESY is the term for the education of students with disabilities “between the close of one academic year and the beginning of the next,” similar to a summer school. The ESY must be provided for each student with a disability whose IEP requires it. LEAs may request a waiver to provide an ESY program for fewer days than the traditional mode.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval. However, in order for an LEA to qualify for average daily attendance (ADA) revenues for extended year pupils, LEAs must comply with the ADA requirements in *CCR*, Title 5, Section 3043(f).

## Attachment(s)

* **Attachment 1:** Summary Table (6 pages)
* **Attachment 2:** Butte County Office of Education General Waiver Request

22-11-2017 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 3:** Chula Vista Elementary School District General Waiver Request 5-11-2017 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:**  Fall River Joint Unified School District General Waiver Request 12-11-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Fremont Union High School District General Waiver Request 13-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6:** Greenfield Union School District General Waiver Request

8-11-2017 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 7:** San Marcos Unified School District General Waiver Request

2-12-2017 (4 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 8:** San Pasqual Valley Unified School District General Waiver Request 28-11-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 9:**  South Bay Union School District General Waiver Request

11-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 10:** Tulare County Office of Education General Waiver Request

5-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 11:**  Visalia Unified School District General Waiver Request

15-12-2017 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 41402

| Waiver Number | District | Period of Request | District’s Request | CDE Recommended | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 22-11-2017 | Butte County Office of Education | **Requested:**June 11, 2018, to June 29, 2018**Recommended:**June 11, 2018, to Jun 29, 2018 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a 15-day ESY program instead of a 20-day ESY program | Butte County Teachers Association, Rachel Frank President10/10/2017NeutralCalifornia School Employees Association 436, Veronica RosalesPresident | 11/13/2017No Objection | The LEA may not provide a 15-day ESY program |
| 5-11-2017 | Chula Vista Elementary School District | **Requested:**June 11, 2018, to June 29, 2018**Recommended:**June 11, 2018, to June 29, 2018 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a 15-day ESY program instead of a 20-day ESY program | Chula Vista Classified Employees, Peter ZeitlerPresident9/26/2017Support | 10/11/2017No Objection | The LEA may not provide a 15-day ESY program |
| 12-11-2017 | Fall River Joint Unified School District | **Requested:**June 11, 2018, to June 29, 2018**Recommended:**June 11, 2018, to June 29, 2018 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a 15-day ESY program instead of a 20-day ESY program | California School Employees Association, Rod TaylorPresident10/24/2017Neutral | 11/8/2017No Objection | The LEA may not provide a 15-day ESY program |
| 13-12-2017 | Fremont Union High School District | **Requested:**August 14, 2018, to June 30, 2018**Recommended:**June 11, 2018, to June 29, 2018 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a 15-day ESY program instead of a 20-day ESY program | Fremont Education Association,Jason HeskettPresident11/28/2017Support | 10/3/2017No Objection | The LEA may not provide a 15-day ESY program |
| 8-11-2017 | Greenfield Union School District | **Requested:**June 11, 2018, to July 6, 2018**Recommended:**June 11, 2018, to July 6, 2018 | To provide a 16-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a 16-day ESY program instead of a 20-day ESY program | Greenfield Teachers Association, Robert DotsonPresident10/30/2017Support | 11/8/2017No Objection | The LEA may not provide a 16-day ESY program |
| 2-12-2017 | San Marcos Unified School District | **Requested:**July 1, 2018, to August 1, 2018**Recommended:**June 11, 2018, to July 6, 2018 | To provide a 16-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a 16-day ESY program instead of a 20-day ESY program | California School Employees’ Association, Yvonne BrettPresident9/27/2017SupportSan Marcos Educators’ AssociationMichael DeVriesPresidentSupport | 11/14/2017No Objection | The LEA may not provide a 16-day ESY program |
| 28-11-2017 | San Pasqual Valley Unified School District | **Requested:**June 11, 2018, to June 29, 2018**Recommended:**June 11, 2018, to June 29, 2018 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a 15-day ESY program instead of a 20-day ESY program | California School Employees Association, Ramon HaroPresident11/14/2017Neutral | 11/14/2017No Objection | The LEA may not provide a 15-day ESY program |
| 11-12-2017 | South Bay Union School District | **Requested:**June 11, 2018, to June 29, 2018**Recommended:**June 11, 2018, to June 29, 2018 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a 15-day ESY program instead of a 20-day ESY program | Southwest Teachers Association, Tracy RolfePresident10/11/2017Support | 12/7/2017No Objection | The LEA may not provide a 15-day ESY program |
| 5-12-2017 | Tulare County Office of Education | **Requested:**June 18, 2018, to July 13, 2018**Recommended:**June 18, 2018, to July 13, 2018 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a 15-day ESY program instead of a 20-day ESY program | California School Employee Association, Leslie BellPresident10/21/2017SupportCalifornia Teachers Association,Ben GimlinPresident11/30/2017Support | 11/8/2017No Objection | The LEA may not provide a 15-day ESY program |
| 15-12-2017 | Visalia Unified School District | **Requested:**June 1, 2018, to June 1, 2020**Recommended:**June 1, 2018, to May, 29, 2020 | To provide a 16-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a 16-day ESY program instead of a 20-day ESY program | California School Employees Association, Alfonso MartinezPresident6/7/2017SupportVisalia Unified Teachers Association,Greg PricePresident8/22/2017Support | 12/12/2017No Objection | The LEA may not provide a 16-day ESY program |

Created by the California Department of Education

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# Attachment 2: Waiver 22-11-2017 Butte County Office of Education

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 0410041

Waiver Number: 22-11-2017

Active Year: 2017

Date In: 11/15/2017 2:11:11 PM

Local Education Agency: Butte County Office of Education

Address: 1859 Bird St.

Oroville, CA 95965

Start: 6/11/2018

End: 6/29/2018

Waiver Renewal: Y

Previous Waiver Number: 22-11-2016

Previous SBE Approval Date: 3/9/2017

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR*, Title 5, Section 3043 (d)

Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Extended School Year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection (f). [(d) an extended year program shall be provided for a minimum of 20 instructional days, including holidays.

## **Outcome Rationale**

For the last several years, BCOE has applied for a waiver to Ed Code 5 *CCR* 3043 which discusses Extended School Year services. We are seeking to renew our request

for a General Waiver from the California Department of Education. If granted, the waiver would be in effect for one extended school year period.

Rationale: BCOE proposes to provide Extended School Year (ESY) services to identified special education students utilizing a fifteen (15) day, six (6.0) hours of instructional model rather than the traditional model of twenty (20) day with four (4) hours of instruction. Students would receive the same or greater number of instructional minutes. The operation of ESY for 15 days instead of 20 will better match the district calendars of sites where BCOE classes are located allowing students more opportunities to be with their typically developing peers. Surrounding districts, Oroville and Paradise are also seeking a waiver, which will again align services and supports to neighboring districts. On a fiscal side, fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration and clerical costs to districts. Lastly, the proposed model of providing 15 days of service will allow for all the expenses to be accounted for in one fiscal year, rather than two.

Student Population: 130

City Type: Rural

Public Hearing Date: 11/13/2017

Public Hearing Advertised: Notice posted at each school site and at 3 other non-school locations

Local Board Approval Date: 11/13/2017

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 11/14/2017

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Stacy Doughman

Position: Director, Special Education

E-mail: sdoughma@bcoe.org

Telephone: 530-532-5637

Fax: 530-532-5794

Bargaining Unit Date: 10/10/2017

Name: BCTA

Representative: Rachel Frank

Title: President

Position: Neutral

Bargaining Unit Date: 10/11/2017

Name: CSEA 436

Representative: Veronica Rosales

Title: President

Position: Support

Bargaining Unit Date: 10/12/2017

Name: CSEA 736

Representative: Cynde Landers

Title: President

Position: Support

# Attachment 3: Waiver 5-11-2017 Chula Vista Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768023

Waiver Number: 5-11-2017

Active Year: 2017

Date In: 11/6/2017 11:24:52 AM

Local Education Agency: Chula Vista Elementary School District

Address: 84 East J St.

Chula Vista, CA 91910

Start: 6/11/2018

End: 6/29/2018

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR*,Title 5, Section 3043(d)

Ed Code Authority: *California Code of Regulations*

*Ed Code* or *CCR* to Waive: *CCR*, Title5, section 3043(d), requires a minimum of 20 school days of attendance for an extended school year (summer school) for special education students. Note: *Education Code* does not specify the number of hours for the ESY instructional program. The number of hours provided per day is based on student IEPs and District scheduling.

## **Outcome Rationale**

Chula Vista Elementary School District requests a waiver to modify the required Special Education extended school year from 20 days to 15 days. There is no summer school program for general education students in the District. The Chula Vista Elementary School District operates a year-round schedule with only a six-week summer break. It is difficult to have families attend with a four week ESY program and also difficult to staff a four-week ESY program because it impedes families and staffs only ability to take a summer vacations with families. Operating under this model provides for the equivalent number of instructional minutes for students, while maximizing attendance and staffing options. In order to provide Extended school year services to ALL students, we are requesting a reduced number of days, while still providing the same number of hours as would have been provided in a 20-day program (80 hours). Without it, we experience difficulties with both staffing and attendance of students.

The program for K-6 will be: June 11- June 29: 5 hours 25 minutes/day (80 hours); PreK will be June 11- June 29: 4 hours/day (60 hours). This will provide an appropriate break for staff and students, and allow us to appropriately staff the program and provide services to all students across the District. Students would receive the full 80 hours (K-6) and 60 hours (PreK) of instruction required by Ed Code. In addition, we have learned that longer school days provide greater opportunity for instructional impact, and an unintentional positive consequence is that operating for fewer days saves operational, facilities, and transportation costs.

Student Population: 4000

City Type: Urban

Public Hearing Date: 10/11/2017

Public Hearing Advertised: Notices posted at school sites.

Local Board Approval Date: 10/11/2017

Community Council Reviewed By: Special Education Parent Committee

Community Council Reviewed Date: 9/20/2017

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Sharon Casey

Position: Director of Special Education

E-mail: sharon.casey@cvesd.org

Telephone: 619-425-9600 x1705

Fax: 619-585-0976

Bargaining Unit Date: 09/26/2017

Name: Chula Vista Classified Employees

Representative: Peter Zeitler

Title: President

Position: Support

# Attachment 4: Waiver 12-11-2017 Fall River Joint Unified School District

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 4569989

Waiver Number: 12-11-2017

Active Year: 2017

Date In: 11/13/2017 9:43:12 AM

Local Education Agency: Fall River Joint Unified School District

Address: 20375 Tamarack Ave.

Burney, CA 96013

Start: 6/11/2018

End: 6/29/2018

Waiver Renewal: Yes

Previous Waiver Number: 10-12-2016-W-11

Previous SBE Approval Date: 3/9/2017

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR* Title 5 Section 3043(d)

Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 3043(d)

An extended year program shall be provided for a minimum of 20 instructional days including holidays.

## **Outcome Rationale**

Fall River Joint Unified School District requests that the 15 day schedule will provide appropriate academic support and will reduce related costs for transportation and building maintenance and allow for flexibility for families to plan for weekend breaks without interrupting the students' educational program. This period of request for our renewal will cover the Extended School Year 2018.

Student Population: 16

City Type: Rural

Local Board Approval Date: 11/8/2017

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Rebecca Torgrimson

Position: Special Education Director

E-mail: rtorgrimson@frjusd.org

Telephone: 530-335-4576

Fax: 530-335-355Bargaining Unit Date: 10/24/2017

Name: California School Employee Association

Representative: Rod Taylor

Title: Association President

Position: Neutral

# Attachment 5: Waiver 13-12-2017 Fremont Union High School District

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 4369468

Waiver Number: 13-12-2017

Active Year: 2017

Date In: 12/12/2017 11:13:09 AM

Local Education Agency: Fremont Union High School District

Address: 589 West Fremont Ave.

Sunnyvale, CA 94087

Start: 8/14/2017

End: 6/30/2018

Waiver Renewal: Yes

Previous Waiver Number: 22-1-2017

Previous SBE Approval Date: 5/11/2017

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 34 C.F.R. section 300.106

Ed Code Authority: 3043(d)

Ed Code or *CCR* to Waive: (d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.

## **Outcome Rationale**

FREMONT UNION HIGH SCHOOL DISTRICT requests to be allowed to provide instruction in fewer than the 20 days required by law for extended school year (ESY). The LEA requests an alternate schedule that will allow it to provide the minimum number of hours required, but in fewer days utilizing a 15-day model over a three-week period at 330 minutes per day (15 days X 330 minutes per day = 4950 minutes), providing the same number of minimum hours as in a traditional 20-day model. The proposed model, which extends daily attendance time, results in sufficient time totals, but provides for a reduction in total days of attendance to 15 days, Monday through Friday, over a three-week period. The FREMONT UNION HIGH SCHOOL DISTRICT School District believes the proposed model will: \* provide more continuity for delivery of instruction and promotion of community based instruction and increase the opportunities for travel training. Additionally this would allow students and families the flexibility to

plan extended vacation breaks without interrupting the students’ educational program. \* facilitate cost effective services within classrooms and reduce related costs for transportation, electricity, custodial services, food services, administration, etc. \* expand uninterrupted opportunities for school custodial staff to improve facilities before school re-opens in the Fall.

Student Population: 150

City Type: Urban

Local Board Approval Date: 10/3/2017

Audit Penalty YN: No

Categorical Program Monitoring: No

Submitted by: Ms. Sarah Notch

Position: Coordinator of Special Services

E-mail: sarah\_notch@fuhsd.org

Telephone: 408-522-2285

Bargaining Unit Date: 11/28/2017

Name: Fremont Education Association

Representative: Jason Heskett

Title: FEA President

Position: Support

# Attachment 6: Waiver 8-11-2017 Greenfield Union School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1563503

Waiver Number: 8-11-2017

Active Year: 2017

Date In: 11/9/2017 9:21:16 AM

Local Education Agency: Greenfield Union School District

Address: 1624 Fairview Rd.

Bakersfield, CA 93307

Start: 6/11/2018

End: 7/6/2018

Waiver Renewal: Yes

Previous Waiver Number: 14-11-2016

Previous SBE Approval Date: 3/8/2017

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR*, Title 5, Section 3043

Ed Code Authority: 33050(d)

Ed Code or *CCR* to Waive: Ed Code or *CCR* to Waive: 3043 Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection (f).

(a) Extended year special education and related services shall be provided by a school district, special education local plan area, or county office offering programs during the regular academic year.

(b) Individuals with exceptional needs who may require an extended school year are those who: (1) Are placed in special classes or centers; or (2) Are individuals with exceptional needs whose individualized education programs specify an extended year program as determined by the individualized education program team.(c) The term "extended year" as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term "academic year" as used in this section means that portion of the school year during which the regular day school is maintained, which period must include not less than the number of days required to entitle the district, special education services region, or county office to apportionments of state funds.

(d) [An extended year program shall be provided for a minimum of 20 instructional days, including holidays]

The strike-out indicates the exact language being waived but is still valid.

## **Outcome Rationale**

The Greenfield Union School District requests an alternate ESY schedule that will allow us to provide a 16-day, 5.5 hour per day instructional program (16 x 5.5=88 hours). The District will offer ESY Monday-Thursday during the weeks of June 11, 2018 through July 6, 2018, with the exception of the week of July 2 – 6, 2018. The district will operate Monday and Wednesday through Friday with no ESY on Wednesday July 4, 2018. Students will receive the same or greater number of minutes as they would in a traditional 20-day ESY program.

Proposed changes will provide the following:

1) Continue the use of highly qualified and trained classroom teachers and staff that work with students during the school year.

2) This will allow the District to provide more continuity for delivery of instruction between general education and special education and allow students with disabilities to participate in educational experiences along with their nondisabled peers.

3) This model will also facilitate cost effective services within classrooms and reduce related costs for transportation, utilities, custodial services, food services, etc.

Student Population: 279

City Type: Urban

Public Hearing Date: 11/8/2017

Public Hearing Advertised: A notice was posted at the District Office, at each school site, and on the District website at <https://www.gfusd.net/apps/pages/Board_Agendas_2017>

Local Board Approval Date: 11/8/2017

Community Council Reviewed By: District Advisory Committee and District English Language Advisory CommitteeCommunity Council Reviewed Date: 10/25/2017

Community Council Objection: No Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Melissa Ortiz

Position: Special Education Director

E-mail: ortizm@gfusd.net

Telephone: 661-837-6130 x4103

Fax: 661-832-4754

Bargaining Unit Date: 10/30/2017

Name: Greenfield Teachers Association

Representative: Robert Dotson

Title: Union President

Position: Support

**Attachment 7: Waiver 2-2-2017 San Marcos Unified School District**

**California Department of Education**

**WAIVER SUBMISSION - General**

Waiver Number: 2-12-2017

Active Year: 2017

Date In: 12/4/2017 11:17 AM

Local Education Agency: San Marcos Unified School District

Address: 255 Pico Ave., Ste. 250, San Marcos, CA 92069

Start: 7/1/2017

End: 8/1/2018

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year

Ed Code Section: CCR, Title 5, Section 3043(d)

Ed Code Authority: 33050

Education Code or CCR to Waiver: 3043 Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil’s educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection (f).

1. Extended year special education and related services shall be provided by a school district, special education local plan area, or county office offering programs during the regular academic year.
2. Individuals with exceptional needs who may require an extended school year are those who: (1) Are placed in special classes or centers; or (2) Are
3. Individuals with exceptional needs whose individualized education programs specify an extended year program as determined by the individualized education program team.
4. The term “extended year” as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term “academic year” as used in this section means that portion of the school year during which the regular day school is maintained, which period must include not less than the number of days required to entitle the district, special education services region, or county office to apportionments of state funds.
5. An extended year program shall be provided for a minimum of 20 instructional days, including holidays.

The strike-out on the preceding 3043(d) indicated the exact language being waived but is still valid.

**Outcome Rationale**

San Marcos Unified School District requests to waive California Education Code of Regulations, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance of four hours each for an extended school year (summer school) for special education students. The district provides ESY services for eligible students with disabilities who in in preschool through the Adult Transition Program at two sites during the scheduled program. The district is proposing to provide a four-week ESY program over 16 days, equivalent to the number of instructional hours provided in a 20-instructional day calendar (including holidays) by lengthening the daily schedule.

San Marcos Unified School District proposes to provide ESY services utilizing a 16-day model over a four-week period at 5 hour per day (15 days x 5 hours = 80 hours), providing the same number of instructional hours as in a traditional 20-day model, including holidays (19 days X 4 hours – 76 hours). The proposed model, which extends daily attendance time, results in required instructional time totals, but provides for a reduction in total days of attendance to 16 days, Monday through Thursday, over a four-week period.

San Marcos Unified School District believes the proposed model will:

* Increase the likelihood that highly qualified and trained classroom teachers and staff who work with students during the school year will apply to work during ESY.
* Help facilitate cost effective services within classrooms and reduce related costs for transportation, electricity, custodial services, food services, administration, etc.
* Increase eligible student attendance (currently 60%)
* Improve overall daily attendance of students during ESY by eliminating the requirement for Friday attendance. (2017 Friday attendance average 68%)
* This waiver would increase instruction time per day thereby limiting the impact on instructional minutes caused by transit time from bus to classroom.

For the purposes of reimbursement for average daily attendance, an ESY program:

* Must provide instruction of at least as many minutes over the shorter period as would have been provided during a typical 20-day program;
* Must be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age level unless otherwise specified in the individualized education program to meet a pupil’s unique needs; and
* Must offer special education and related services during the extended school year period that are comparable in standards, scope and quality to the special education program offered during the regular academic year.

Student population: 22417

City Type: Urban

Public Hearing Date: 11/14/2017

Public Hearing Advertised: District Web page, notice posted at district office and schools, phone calls to parents

Local Board Approval Date: 11/14/2017

Community Council Reviewed By: North County Consortium for Special Education
Community Advisory Committee and SMUSD parent meeting

Community Council Objection: No

Community Council Objection Explanation: *None*

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Dawn Dully

Position: Executive Director of Special Education

Email: dawn.dully@smuds.org

Telephone: 760-471-1898

Fax: 760-471-1898

Bargaining Unit Date: 09/27/2017

Name: California School Employees’ Association

Representative: Yvonne Brett

Title: President

Position: Support

Comments: *None*

Bargaining Unit Date: 09-27-2017

Name San Marcos Educators’ Association

Representative: Michael DeVries

Title: President

Position: Support

Comments: *None*

# Attachment 8: Waiver 28-11-2017 San Pasqual Valley Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1363214

Waiver Number: 28-11-2017

Active Year: 2017

Date In: 11/28/2017 8:11:49 AM

Local Education Agency: San Pasqual Valley Unified School District

Address: Route 1, 676 Baseline Rd.

Winterhaven, CA 92283

Start: 6/11/2018

End: 6/29/2018

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *California Code of Regulations*, Title 5, Section 3043(d)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: *California Code of Regulations*, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance of four hours each for an extended school year (summer school) for special education students.

## **Outcome Rationale**

San Pasqual Valley Unified School District requests to be allowed to provide instruction in fewer than the 20 days required by law for extended school year (ESY). SPVUSD proposes an alternate ESY schedule utilizing a 15-day model over a three-week period at five and one-half hours per day. The SPVUSD believes the proposed schedule will provide more continuity for delivery of instruction between general education and special education as it will match that of the general education summer school program, allowing students with disabilities to participate with their non-disabled peers. The proposed schedule will give students and families the flexibility to plan extended weekend breaks without interrupting the students' educational programs. The shortened number of days will facilitate cost effective services within classrooms,

and reduce related costs for transportation, electricity, custodial services, food services, administration, etc.

Student Population: 714

City Type: Rural

Public Hearing Date: 11/14/2017

Public Hearing Advertised: District Office, School Sites, Water Department, U.S Postal Office

Local Board Approval Date: 11/14/2017

Community Council Reviewed By: School Site Councils, School Board, Bargaining Units

Community Council Reviewed Date: 11/14/2017

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Thien Hoang

Position: Director of Special Education

E-mail: thoang@spvusd.org

Telephone: 760-572-0222 x2498

Bargaining Unit Date: 11/14/2017

Name: California School Employees Association

Representative: Ramon Haro

Title: President

Position: Neutral

# Attachment 9: Waiver 11-12-2017 South Bay Union School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768395

Waiver Number: 11-12-2017

Active Year: 2017

Date In: 12/8/2017 10:21:47 AM

Local Education Agency: South Bay Union

Address: 601 Elm Ave.

Imperial Beach, CA 91932

Start: 6/11/2018

End: 6/29/2018

Waiver Renewal: Yes

Previous Waiver Number: 18-1-2014-W-04

Previous SBE Approval Date: 5/8/2014

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: Title 5, Section 3043(d)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: *California Code of Regulations*, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance for an extended school year (summer school) for special education students.

## **Outcome Rationale**

South Bay Union School District is requesting a waiver to modify the required 20 day extended school year (ESY) program to 15 days, due to the circumstances described below. This request is for the current school year only (2017-2018).

South Bay Union School District has approximately 200 students with IEPs who qualify for extended school year. There is no summer school program for any other students in the District. Last school year, the district modified its school calendar to align with the area secondary schools, creating a much shorter time between school years. The last day of the regular 2017-2018 school year is June 6th for students and teachers. The first day of the 2018-2019 school year is anticipated to be July 23, 2018 with teachers

returning for prep time on July 16th, 2018. This shortened period provides only 30 days to hold an ESY session.

A 15 day ESY program (June 11, 2018-June 29, 2018 for 5.75 hours/day) combined with a shortened period in the summer with no school, would still allow the District to address the regression and recoupment needs of identified students. An additional benefit would be a greater likelihood that the students’ teachers and aides will choose to work if the session is shorter.

The ESY program, for the purposes of reimbursement for average daily attendance, will provide instruction of at least as many minutes over the 15 day period as it would have during the typical 20 day ESY program and will receive the reimbursement for the 20 days of instruction. Longer days can provide greater opportunity for instructional impact. Fewer days may save operational and transportation costs.

Student Population: 7750

City Type: Urban

Public Hearing Date: 12/7/2017

Public Hearing Advertised: posted at each site and at the district office

Local Board Approval Date: 12/7/2017

Community Council Reviewed By: District Special Education Advisory Committee

Community Council Reviewed Date: 10/11/2017

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. thomas bevilacqua

Position: Special Education Coordinator

E-mail: tbevilacqua@sbusd.org

Telephone: 619-628-1660

Bargaining Unit Date: 10/11/2017

Name: SWTA

Representative: Tracy Rolfe

Title: Union President

Position: Support

Comments:

# Attachment 10: Waiver 5-12-2017 Tulare County Office of Education

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 5410546

Waiver Number: 5-12-2017

Active Year: 2017

Date In: 12/5/2017 3:34:51 PM

Local Education Agency: Tulare County Office of Education

Address: 6200 South Mooney Blvd.

Visalia, CA 93277

Start: 6/18/2018

End: 7/13/2018

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: Title 5

Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Title 5, 3043 (d) [An extended year program shall be provided for a minimum of 20 instructional days, including holidays

## **Outcome Rationale**

Provide within 15 days of increased minutes, the time equal to the normally provided 20 days as required by *CCR*, Title 5, 4043 (d). Services are to be provided in a 15 day period, 315 minutes daily, in order to align with district program operations, reduce travel time for students and program costs.

Student Population: 280

City Type: Rural

Local Board Approval Date: 11/8/2017

Audit Penalty Yes or No: NoCategorical Program Monitoring: No

Submitted by: Ms. Sarah Hamilton

Position: Administrator

E-mail: [sarahh@tcoe.org](file:///%5C%5CCDE.Cal%5CDATA%5CEXECDATA%5CCENTRAL%5CSBE%5C2018%5C03-%20March%202018%5CWaiver%20Items%5CTLSB%5CSED%5Csarahh%40tcoe.org)

Telephone: 559-730-2910 x5128

Fax: 559-730-2511

Bargaining Unit Date: 10/21/2017

Name: California School Employees Association

Representative: Leslie Bell

Title: President

Position: Support

Bargaining Unit Date: 11/30/2017

Name: California Teachers Association

Representative: Ben Gimlin

Title: President

Position: Support

# Attachment 11: Waiver 15-12-2017 Visalia Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 5472256

Waiver Number: 15-12-2017

Active Year: 2017

Date In: 12/13/2017 3:12:05 PM

Local Education Agency: Visalia Unified School District

Address: 5000 West Cypress Ave.

Visalia, CA 93277

Start: 6/1/2018

End: 6/1/2020

Waiver Renewal: Yes

Previous Waiver Number: 11-10-2015-W-09

Previous SBE Approval Date: 1/14/2016

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR* Title 5 3043 (d)

Ed Code Authority: 33050 General Waiver Authority

*Education Code* or *CCR* to Waive: (d) Extended School Year: An extended year program shall be provided for a minimum of 20 instructional days

## **Outcome Rationale**

The Visalia Unified School District’s Special Education Department is requesting a waiver to maintain our current provision of extended school year (ESY – Summer School) for students in grades preschool through 12th grade who have disabilities and are eligible for ESY services. California Cod of Regulations, Title5 (5 *CCR*), Section 3043 requires the provision of a 20 day ESY program. In the past, VUSD provided a five week program running four days per week for four hours per day for a total of 80 hours per summer session. For the past four ESY programs, under approved CDE waivers, VUSD has provided a four week, four days per week, five hours per day program, totaling 80 hours per session. The programs were very successful for staff and for students and their families. For the 2018 ESY program, and for subsequent ESY programs, the district wishes to continue providing the four week program. The purpose

of this proposal is to allow all special education staff the opportunity to participate in staff development opportunities that occur in the summer, to provide flexibility to students and their families for summer planning, and to provide a more economical program with regards to transportation and facility costs.

Student Population: 29000

City Type: Urban

Public Hearing Date: 12/12/2017

Public Hearing Advertised: School Board Agenda physically posted for the public, on District website, and distributed via District email

Local Board Approval Date: 12/12/2017

Community Council Reviewed By: Visalia Unified School District's Board and VUSD Superintendent's Cabinet

Community Council Reviewed Date: 12/12/2017

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Kim Paz

Position: Director, Special Education

E-mail: kpaz@vusd.org

Telephone: 559-730-7581

Fax: 559-730-7381

Bargaining Unit Date: 06/07/2017

Name: California School Employees' Association

Representative: Alfonso Martinez

Title: California School Employees' Association President

Position: Support

Bargaining Unit Date: 08/22/2017

Name: Visalia Unified Teachers' Association

Representative: Greg Price

Title: Visalia Unified Teachers' Association President

Position: Support