

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Specific Waiver

# California State Board of Education September 2018 AgendaItem #W-10

## Subject

Request by two local education 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 Numbers

* Capistrano Unified School District 31-6-2018
* Natomas Unified School District 7-5-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

The 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 request to waive only the requirement that students successfully complete a course in Algebra I (or its equivalent) for the 2017–18 graduation year; with the condition both students meet all other course requirements stipulated by the governing boards of the LEAs 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 the students:

* A valid, current copy of the student’s individualized education program highlighting the areas of mathematic deficiencies, and how the student’s needs in mathematics were addressed.
* 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 the waiver request will result in the students not meeting graduation requirements.

**Demographic Information:**

**Capistrano Unified School District**

The Capistrano Unified School District has a student population of 53,000 and is located in a suburban area in Orange County.

**Natomas Unified School District**

The Natomas Unified School District has a student population of 13,869 and is located in an urban area in Sacramento 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:** Capistrano Unified School District Waiver 31-6-2018

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

* **Attachment 3:** Natomas Unified School District Waiver 7-5-2018

(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 |
| --- | --- | --- | --- | --- | --- | --- |
| 31-6-2018 | Capistrano Unified School District | **Requested:**June 1, 2018 toJune 30, 2018**Recommended:**June 1, 2018 toJune 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 | May 23, 2018 | Failure to approve the waiver request would result in the student not meeting graduation requirements |
| 7-5-2018 | Natomas Unified School District | **Requested:**March 29, 2018 toMay 8, 2018**Recommended:**March 29, 2018 toMay 8, 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 29, 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 31-6-2018 Capistrano Unified School District

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 3066464

Waiver Number: 31-6-2018

Active Year: 2018

Date In: 6/28/2018 3:46:25 PM

Local Education Agency: Capistrano Unified School District

Address: 33122 Valle Rd.

San Juan Capistrano, CA 92675

Start: 6/1/2018

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:

(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) Before receiving a diploma of graduation from high school, a pupil shall complete at least one course, or a combination of the two courses required for graduation pursuant to subparagraph (B) of paragraph (1) of subdivision (a) of Section 51225.3 --- [that meets or exceeds the rigor of Algebra I or Mathematics I, that is aligned to the content standards adopted by the state board pursuant to Sections 60605.8 and 60605.11.]

(c) A pupil who, before enrollment in grade 9, completes a course in Algebra I or Mathematics I, or mathematics courses of equal rigor, that is aligned to the content standards adopted by the state board, is exempt from subdivision (b), but is not exempt from the requirement that the pupil complete two courses in mathematics while enrolled in grades 9 to 12, inclusive, as specified in subparagraph (B) of paragraph (1) of subdivision (a) of Section 51225.3 .

(d) A pupil who has completed a course or courses that meet or exceed the content standards for Algebra I adopted by the state board pursuant to Section 60605, as that section read on June 30, 2011, shall be deemed to have satisfied the graduation requirement specified in subdivision (b).

Outcome Rationale: See the attachment for the District's request regarding the waiver; parent input; and a photo of student.

Student Population: 53000

City Type: Suburban

Local Board Approval Date: 5/23/2018

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Sara Young

Position: Executive Director, Dispute Resolution

E-mail: scyoung@capousd.org

Telephone: 949-234-9292

# Attachment 2: Waiver 7-5-2018 Natomas Unified School District

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 3475283

Waiver Number: 7-5-2018

Active Year: 2018

Date In: 5/10/2018 2:06:23 PM

Local Education Agency: Natomas Unified School District

Address: 1901 Arena Blvd.

Sacramento, CA 95834

Start: 3/29/2018

End: 5/8/2018

Waiver Renewal: N

Previous Waiver Number: N/A

Previous SBE Approval Date: N/A

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: 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 2003-04 school year and each year thereafter, at least one course, or a combination of the two courses 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 I, 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. Those courses shall apply towards satisfying the requirements of subparagraph (B) of paragraph (1) of subdivision (a) of Section 51225.3.

Outcome Rationale: 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.

Student Population: 13869

City Type: Urban

Local Board Approval Date: 3/29/2018

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Tracy Cobb

Position: Administrative Assistant

E-mail: [tcobb@natomasunified.org](file:///%5C%5CCDE.Cal%5CDATA%5CSEDATA%5CCENTRAL%5CDivision-wide%5CWAIVERS%5CWaiver%20Items%5C2018%5CSeptember%20SBE%20Meeting%5Ctcobb%40natomasunified.org)

Telephone: 916-567-5434

Fax: 916-567-5434

Bargaining Unit Date: 03/28/2018

Name: Natomas Teachers Association

Representative: Brenda Borge

Title: NTA President

Position: Support