

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education January 2019 Agenda Item #W-12

## Subject

Request by six 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

* Chula Vista Elementary School District 1-10-2018
* Hemet Unified School District 19-9-2018
* Red Bluff Union Elementary School District 9-10-2018
* San Marcos Unified School District 18-10-2018
* South Bay Union School District 17-10-2018
* Tulare County Office of Education 13-10-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

Six local educational agencies (LEAs) request 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.

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 individualized education program (IEP) requires it. LEAs may request a waiver to provide an ESY program for fewer days than the traditional mode.

## Authority for Waiver

*Education Code (EC)* Section 33050

## Recommendation

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

The California Department of Education recommends the State Board of Education (SBE) approve the request from six LEAs to provide ESY services for fewer than 20 days with the condition instructional hours are consistent with those provided to the general education enrollment at the same grade level unless an 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

### Chula Vista Elementary School District

The Chula Vista Elementary School District (CVESD) proposes to provide ESY services utilizing a 15-day schedule of 5 hours and 25 minutes per day for kindergarten through sixth grade totaling 81 hours and 15 minutes of instruction, and 4 hours per day for pre-kindergarten totaling 60 hours of instruction. The proposed schedule will provide more instructional time than a 20-day ESY schedule. The CVESD operates a year-round schedule with a six-week summer break. Fewer ESY days will provide families and staff the ability to take summer vacations, and will help maximize student attendance and staffing options.

Demographic Information: The CVESD has a student population of 4,300 and is located in an urban area in San Diego County.

### Hemet Unified School District

The Hemet Unified School District (HUSD) proposes to provide ESY services utilizing a 15-day schedule of 5 hours and 20 minutes per day, totaling 80 hours of instruction. The proposed schedule will provide the same amount of instructional time as a 20-day ESY schedule. Many students travel a long distance to attend the program which has caused attendance to drop off the last week of the traditional 20-day ESY program. Parents, students, and staff support a shortened ESY schedule that will help to maintain student attendance throughout the program.

Demographic Information: The HUSD has a student population of 21,000 and is located in a rural area in Riverside County.

### Red Bluff Union Elementary School District

The Red Bluff Union Elementary School District (RBUESD) proposes to provide ESY services utilizing a 15-day schedule of 5 hours and 30 minutes per day totaling 82 hours and 30 minutes of instruction. The proposed schedule will provide more instructional time than a 20-day ESY schedule, and aligns more closely to the regular school day for all grade levels served.

Demographic Information: The RBUESD has a student population of 2,062 and is located in a rural area in Tehama County.

### San Marcos Unified School District

The San Marcos Unified School District (SMUSD) proposes to provide ESY services utilizing a 16-day schedule of 5 hours per day totaling 80 hours of instruction. The proposed schedule will provide the same amount of instructional time as a 20-day ESY schedule. The SMUSD states that previous ESY waiver schedules improved participation of highly qualified staff and student attendance, and believes the proposed schedule will continue this success. Fewer ESY days will also result in substantial operational cost savings.

Demographic Information: The SMUSD has a student population of 23,057 and is located in an urban area in San Diego County.

### South Bay Union School District

The South Bay Union School District (SBUSD) proposes to provide ESY services utilizing a 15-day schedule of 5 hours and 45 minutes per day, totaling 86 hours and 15 minutes of instruction. The proposed schedule will provide more instructional time than a 20-day ESY schedule. The SBUSD regular school year schedule provides only 27 days between school years to hold the ESY program. The 15-day schedule will allow the SBUSD to address the regression and recoupment needs of identified students, and the longer school days can provide greater opportunities for instructional impact.

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

### Tulare County Office of Education

The Tulare County Office of Education (TCOE) proposes to provide ESY services utilizing a 15-day schedule of 5 hours and 15 minutes per day, totaling 78 hours and 45 minutes of instruction. The proposed ESY period includes the 4th of July holiday, and will provide more hours of instruction than a 20-day ESY schedule which includes the holiday. The proposed schedule aligns with district program operations, and will reduce travel time for students.

Demographic Information: The TCOE has a student population of 3,194 and is located in a rural area in Tulare County.

**Because these are general waivers, if the SBE decides to deny the waivers, it must cite one of the seven reasons in *EC* Section 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 has approved waivers to allow school districts to provide the required minimum amount of instruction in fewer days during the ESY for students with disabilities.

## 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) revenue for extended year pupils, LEAs must comply with the ADA requirements in *CCR*, Title 5, Section 3043(f).

## Attachment(s)

* **Attachment 1:** Summary Table (3 pages)
* **Attachment 2:** Chula Vista Elementary School District General Waiver Request 1-10-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Hemet Unified School District General Waiver Request

19-9-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 4:**  Red Bluff Union Elementary School District General Waiver Request 9-10-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** San Marcos Unified School District General Waiver Request

18-10-2018 (4 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 6:** South Bay Union School District General Waiver Request

17-10-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 7:** Tulare County Office of Education General Waiver Request

13-10-2018 (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 Recommend-ed | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1-10-2018 | Chula Vista Elementary School District | **Requested:**  June 18, 2019, to July 10, 2019  **Recommended:**  June 18, 2019, to July 10, 2019 | To provide a 15-day extended school year (ESY) program instead of a 20-day ESY program | Approval with conditions to allow the local education agency (LEA) to provide a 15-day ESY program instead of a 20-day ESY program | Chula Vista Educators,  Susan Skala  President 8/1/2018 Support | 9/12/2018  Note: The CDE obtained the public hearing date as the date was not provided on the waiver submission. | The LEA may not provide a 15-day ESY program |
| 19-9-2018 | Hemet Unified School District | **Requested:**  June 10, 2019, to June 28, 2019  **Recommended:**  June 10, 2019, to June 28, 2019 | 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,  Michelle Nealeigh Board President 8/24/2018 Support  Hemet Teachers Association, Jason Crest President  8/24/2018  Support | Local Board  9/18/2018  Public Hearing  9/4/2018 | The LEA may not provide a 15-day ESY program |
| 9-10-2018 | Red Bluff Union Elementary School District | **Requested:**  June 10, 2019, to June 28, 2019  **Recommended:**  June 10, 2019, to June 28, 2019 | 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,  Jeff Johnson  President  9/24/2018  Support  California Teachers Association,  Catherine Piffero  President  9/24/2018  Support | 10/9/2018 | The LEA may not provide a 15-day  ESY program |
| 18-10-2018 | San Marcos Unified School District | **Requested:**  July 1, 2019, to July 25, 2019  **Recommended:**  July 1, 2019, to July 25, 2019 | 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 | San Marcos Educators’ Association,  Michael DeVries  President  10/1/2018  Neutral | Local Board  10/16/2018  Public Hearing  9/17/2018 | The LEA may not provide a 16-day ESY program |
| 17-10-2018 | South Bay Unified School District | **Requested:**  June 10, 2019, to June 28, 2019  **Recommended:**  June 10, 2019, to June 28, 2019 | 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 | South West Teachers Association, Tracy Rolfe  President  10/22/2018  Neutral | 10/18/2018 | The LEA may not provide a 15-day ESY program |
| 13-10-2018 | Tulare County Office of Education | **Requested:**  June 17, 2019, to July 11, 2019  **Recommended:**  June 17, 2019, to July 11, 2019 | 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, Leslie Bell  President  9/5/2018  Support  California Teachers Association,  Ben Gimlin  President  9/6/2018  Support | 10/10/2018  Note: The CDE obtained the public hearing date as the date was not provided on the waiver submission. | The LEA may not provide a 15-day ESY program |

Created by the California Department of Education

November 2018

# Attachment 2: Waiver 1-10-2018 Chula Vista Elementary School District

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 3768023

Waiver Number: 1-10-2018

Active Year: 2018

Date In: 10/1/2018 2:39:33 PM

Local Education Agency: Chula Vista Elementary School

Address: 84 East J St.

Chula Vista, CA 91910

Start: 6/18/2019

End: 7/10/2019

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* Title 5, 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 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 a 20 day ESY program and also difficult to staff a 20 day ESY program, because it impedes families’ and staff’s only ability to take 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 18, 2019 – July 10, 2019 (6/18-6/21 Student attend Tuesday-Friday (4 days), 6/24-6/28 Students attend Monday-Friday (5 days), 7/1- 7/3 Students attend Monday-Wednesday (3 days), and 7/8-7/10 Students attend Monday-Wednesday (3 days)); 5 hours and 25 minutes/day (80 hours). PreK will be June 18, 2019- July 10, 2019 (6/18-6/21 Student attend Tuesday-Friday (4 days), 6/24-6/28 Students attend Monday-Friday (5 days), 7/1-7/3 Students attend Monday-Wednesday (3 days), and 7/8-7/10 Students attend Monday-Wednesday (3 days)); 4 hours a day (60 hours). This provides an appropriate break for staff and students, and allows us to appropriately staff the program and provide services to all students across the District. Students will 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: 4300

City Type: Urban

Local Board Approval Date: 9/12/2018

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Sharon Casey

Position: Executive Director, Special Education

E-mail: [sharon.casey@cvesd.org](mailto:sharon.casey@cvesd.org)

Telephone: 619-425-9600 x1705

Bargaining Unit Date: 08/01/2018

Name: Chula Vista Educators

Representative: Susan Skala

Title: President

Position: Support

# Attachment 3: Waiver 19-9-2018 Hemet Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3367082

Waiver Number: 19-9-2018

Active Year: 2018

Date In: 9/28/2018 4:37:53 PM

Local Education Agency: Hemet Unified School District

Address: 1791 West Acacia Ave.

Hemet, CA 92545

Start: 6/10/2019

End: 6/28/2019

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 5 *CCR* 3043

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: *Education Code* or *CCR* 3043 Extended school year services shall be provided a minimum of twenty (20) instructional days, including holidays.

Outcome Rationale: Hemet Unified School District (HUSD) is proposing to provide Extended School Year (ESY) utilizing a 15- day schedule of 5 hours and 20 minutes per day, totaling 80 hours of instruction. The proposed 15-day schedule will provide ESY services to students with disabilities from preschool to high school. The HUSD serves a large geographical region and the proposed 15-day schedule will better accommodate the many students who require designated instructional services. Parents, students and staff support the shortened ESY schedule, and fewer ESY days will result in substantial savings in transportation, utilities, food services, janitorial, administration, and clerical costs. This schedule will as well help the HUSD to hire highly qualified special education teachers currently employed by the district.

Demographic information: The HUSD has a district encompasses 650 square miles and has a student population of 21,710.

Student Population: 21000

City Type: Rural

Public Hearing Date: 9/4/2018

Public Hearing Advertised: On-line posting, school site postings

Local Board Approval Date: 9/18/2018

Community Council Reviewed By: Community Advisory Committee RCSELPA

Community Council Reviewed Date: 9/18/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Tammy Griffiths

Position: Special Education Coodinator

E-mail: [tgriffiths@hemetusd.org](mailto:tgriffiths@hemetusd.org)

Telephone: 951-765-5100 x4005

Bargaining Unit Date: 08/24/2018

Name: CSEA

Representative: Michelle Nealeigh

Title: CSEA Board President

Position: Support

Bargaining Unit Date: 08/24/2018

Name: Hemet Teacher Association (HTA)

Representative: Jason Crest

Title: HTA President

Position: Support

# Attachment 4: Waiver 9-10-2018 Red Bluff Union Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 5271621

Waiver Number: 9-10-2018

Active Year: 2018

Date In: 10/12/2018 12:12:29 PM

Local Education Agency: Red Bluff Union Elementary School District

Address: 1755 Airport Blvd., Administration Bldg.

Red Bluff, CA 96080

Start: 6/10/2019

End: 6/28/2019

Waiver Renewal: Yes

Previous Waiver Number: 12-10-2017-W-16

Previous SBE Approval Date: 1/18/2018

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: T5*CCR* 3043(d)

Ed Code Authority: *CCR*

*Education Code* or *CCR* to Waive: 3043(d) An extended year program shall be provided for a minimum[20] instructional days, including holidays. (change 20 to 15)

Outcome Rationale: The RBUESD is requesting a waiver to allow the District to operate an Extended School Year(ESY) program to operate for 15 day in total in June 2019. The K-8 program will operate for 5.5 hours per day for 15 days, rather than 4 hours per day for the traditional 20 day program. The hours per day, per the request of this program will increase the number of instructional minutes for our ESY program and align more closely to a regular school day for all grade levels served.

Additionally, this schedule will increase the likelihood that highly qualified and trained classroom teachers and staff will be available to work during the time.

All special education and related services offered during the extended year period will be comparable in standards, scope and quality of those offered during the regular academic year as required by California Code of regulations, Title 5, (5*CCR*), Section 3043(d).

Given the current fiscal crisis in California, fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration and clerical costs.

Student Population: 292

City Type: Rural

Public Hearing Date: 10/9/2018

Public Hearing Advertised: A notice of public hearing will be posted in the newspaper, at each school site and at the district office.

Local Board Approval Date: 10/9/2018

Community Council Reviewed By: Red Bluff Elementary School District Board

Community Council Reviewed Date: 10/9/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Suzanne Adkins

Position: Director Student Support Services

E-mail: [sadkins@rbuesd.org](mailto:sadkins@rbuesd.org)

Telephone: 530-527-7200 x121

Fax: 530-527-9308

Bargaining Unit Date: 09/24/2018

Name: California Schools Employee Association(CSEA)

Representative: Jeff Johnson

Title: President

Position: Support

Bargaining Unit Date: 09/24/2018

Name: California Teachers Association(CTA)

Representative: Catherine Piffero

Title: President

Position: Support

# Attachment 5: Waiver 18-10-2018 San Marcos Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3773791

Waiver Number: 18-10-2018

Active Year: 2018

Date In: 10/23/2018 10:20:37 AM

Local Education Agency: San Marcos Unified School District

Address: 255 Pico Ave., Ste. 250

San Marcos, CA 92069

Start: 7/1/2019

End: 7/25/2019

Waiver Renewal: Y

Previous Waiver Number: 2-12-2017-W-13

Previous SBE Approval Date: 3/15/2018

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

Education 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]

Outcome Rationale: Summary of Key Issues

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 are 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:

Continue to increase the participation of highly qualified and trained classroom teachers (2017=~30% and 2018=~60%) 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 (increase of 6% from 2017 to 2018)

Improve overall daily attendance of students during ESY (increase of 9% from 2017-2018)

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: 23057

City Type: Urban

Public Hearing Date: 9/17/2018

Public Hearing Advertised: District Web page, notice posted at district office and schools

Local Board Approval Date: 10/16/2018

Community Council Reviewed By: North County Consortium for Special Education Community Advisory Committee

Community Council Reviewed Date: 10/14/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Dawn Dully

Position: Executive Director of Special Education

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Telephone: 760-752-1223

Fax: 760-471-1898

Bargaining Unit Date: 10/01/2018

Name: San Marcos Educators' Association

Representative: Michael DeVries

Title: President

Position: Neutral

# Attachment 6: Waiver 17-10-2018 South Bay Union School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768395

Waiver Number: 17-10-2018

Active Year: 2018

Date In: 10/22/2018 8:15:57 AM

Local Education Agency: South Bay Union School District

Address: 601 Elm Ave.

Imperial Beach, CA 91932

Start: 6/10/2019

End: 6/28/2019

Waiver Renewal: Yes

Previous Waiver Number: 11-12-2017-W-13

Previous SBE Approval Date: 3/15/2018

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: Title 5, Section 3043(d)

Outcome Rationale: CURRENT CONSIDERATIONS:

South Bay Union School District is requesting a waiver (see exhibit) from the California Department of Education to modify the required 20 day extended school year (ESY) program to 15 days for the 2018-2019 school year.

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. The last day of the regular 2018-2019 school year is June 3rd for students and June 4th for teachers. The first day of the 2019-2020 school-year is anticipated to be July 15, 2019 for teachers and July 22 for students. This shortened period provides only 27 days to hold an ESY session.

The ESY program, for the purposes of reimbursement for average daily attendance, will provide additional instruction (86.25 hours) over the 15 day period as it would have during the typical 20 day ESY program (80 hours), and will receive the reimbursement for the 20 days of instruction.

IMPACT ON STUDENT ACHIEVEMENT:

A 15 day ESY program (June 10, 2019 - June 28, 2019 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. In addition, the longer days can provide greater opportunity for instructional impact.

FINANCIAL IMPLICATIONS:

There is no increase to the General Fund.

Student Population: 7750

City Type: Urban

Public Hearing Date: 10/18/2018

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

Local Board Approval Date: 10/18/2018

Community Council Reviewed By: District Special Education Advisory Committee

Community Council Reviewed Date: 10/11/2018

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](mailto:tbevilacqua@sbusd.org)

Telephone: 619-628-1665

Fax: 619-628-1669

Bargaining Unit Date: 10/22/2018

Name: SWTA (South West Teachers Association)

Representative: Tracy Rolfe

Title: Union President

Position: Neutral

# Attachment 7: Waiver 13-10-2018 Tulare County Office of Education

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 5410546

Waiver Number: 13-10-2018

Active Year: 2018

Date In: 10/17/2018 1:23:43 PM

Local Education Agency: Tulare County Office of Education

Address: 6200 South Mooney Blvd.

Visalia, CA 93278

Start: 6/17/2019

End: 7/11/2019

Waiver Renewal: Yes

Previous Waiver Number: 5-12-2017

Previous SBE Approval Date: 3/14/2018

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

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: 265

City Type: Rural

Local Board Approval Date: 10/10/2018

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Sarah Hamilton

Position: Administrator

E-mail: [sarahh@tcoe.org](mailto:sarahh@tcoe.org)

Telephone: 559-730-2910 x5128

Fax: 559-730-2511

Bargaining Unit Date: 09/05/2018

Name: California School Employees Association

Representative: Leslie Bell

Title: President

Position: Support

Bargaining Unit Date: 09/06/2018

Name: California Teachers Association

Representative: Ben Gimlin

Title: President

Position: Support