

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of EducationMarch 2019 AgendaItem #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

* Butte County Office of Education 2-12-2018
* Fall River Joint Unified School District 8-12-2018
* Greenfield Union School District 9-11-2018
* Madera County Superintendent of Schools 1-12-2018
* National Elementary School District 14-11-2018
* San Pasqual Valley Unified School District 10-11-2018

## 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 as 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

### Butte County Office of Education

The Butte County Office of Education (BCOE) proposes to provide ESY services utilizing a 15-day schedule of 6 hours per day totaling 90 hours of instruction. The proposed schedule will provide more instructional time than a 20-day ESY schedule. This schedule will better match district calendars of the sites where BCOE classes are located allowing students more opportunities to be with their typically developing peers. It also allows the ESY expenses to be accounted for in one fiscal year rather than two.

Demographic Information: The BCOE has a student population of 1,251 and is located in a rural area in Butte County.

### Fall River Joint Unified School District

The Fall River Joint Unified School District (FRJUSD) 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. A shortened schedule will allow families the flexibility to plan vacations and weekend breaks without interrupting students’ educational programs.

Demographic Information: The FRJUSD has a student population of 1,200 and is located in a rural area in Shasta County.

### Greenfield Union Unified School District

The Greenfield Union School District (GUSD) proposes to provide ESY services utilizing a 16-day schedule of 5 hours and 30 minutes per day totaling 88 hours of instruction. The proposed schedule will provide more instructional time than a 20-day ESY schedule. 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 9,327 and is located in an urban area in Kern County.

### Madera County Superintendent of Schools

The Madera County Superintendent of Schools (MCSOS) 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. The longer school day will better align with the school day offered during the regular school year providing more consistent instruction for the students served. A shorter schedule will also increase the number of instructional staff to participate in the ESY program.

Demographic Information: The MCSOS has a student population of 840 and is located in a small city in Madera County.

### National Elementary School District

The National Elementary School District (NESD) 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. A 15-day schedule will better align with the school day offered during the regular school year allowing identified students to maintain their schedules with service providers. It will also give students, families and staff an extended summer break a 20-day ESY program does not provide.

Demographic Information: The NESD has a student population of 5,712 and is located in an urban area in San Diego County.

### San Pasqual Valley Unified School District

The San Pasqual Valley Unified School District (SPVUSD) 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 SPVUSD believes the proposed schedule will provide more continuity of instruction between general education and special education as it will match the general education summer school program allowing students with disabilities to participate with their nondisabled peers.

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

**Because these are general waivers, if the SBE decides to deny the waivers, it must cite one of the seven reasons in *EC* 33051(a), available on the California Legislation Information 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 (4 pages)
* **Attachment 2:** Butte County Office of Education General Waiver Request
2-12-2018 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Fall River Joint Unified School District General Waiver Request 8-12-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Greenfield Union School District General Waiver Request

9-11-2018 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 5:** Madera County Superintendent of Schools General Waiver Request 1-12-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6:** National Elementary School District General Waiver Request 14-11-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 7:** San Pasqual Valley Unified School District General Waiver Request 10-11-2018 (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 Recommended | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 2-12-2018 | Butte County Office of Education | **Requested:**June 10, 2019, to June 28, 2019**Recommended:**June 10, 2019, to June 28, 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 educational agency (LEA) to provide a 15-day ESY program instead of a 20-day ESY program | Butte County Teachers’ Association, Rachel Frank, President 10/18/2018NeutralCalifornia School Employees Association 436, Veronica Rosales, President 10/17/2018SupportContinued below: | 11/13/2018 | The LEA may not provide a 15-day ESY program |
|  |  |  |  |  | California School Employees Association 736Cynde Landers,President10/17/2018Support |  |  |
| 8-12-2018 | Fall River Joint Unified School District | **Requested:**June 13, 2019, to July 3, 2019**Recommended:**June 13, 2019, to July 3, 2019 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a15-day ESY program instead of a 20-day ESY program | California Schools Employee Association,Rod Taylor President 11/14/2018 NeutralFall River Teachers Association, Janelle HowesPresidentNeutral | 11/14/2018 | The LEA may not provide a 15-day ESY program |
| 9-11-2018 | Greenfield Union School District | **Requested:**June 3, 2019, to June 27, 2019**Recommended:**June 3, 2019, to June 27, 2019 | To provide a 16-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a16-day ESY program instead of a 20-day ESY program | Greenfield Teacher Association,Robert Dotson, President 9/10/2018 Support | **Local Board:**11/14/2018**Public Hearing:**11/2/2018 | The LEA may not provide a 16-day ESY program |
| 1-12-2018 | Madera County Superintendent of Schools (MCSOS) | **Requested:**June 10, 2019, to July 5, 2019**Recommended:**June 10, 2019, to July 5, 2019 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a15-day ESY program instead of a 20-day ESY program | MCSOS Teacher Association, California Teachers Association/National Education AssociationPam GlueckMember Representative11/8/2018Neutral | 11/13/2018 | The LEA may not provide a 15-day ESY program |
| 14-11-2018 | National 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 a15-day ESY program instead of a 20-day ESY program | National City Teacher’s Association, Irma SanchezDistrict Bargaining Representative8/30/2018Support | 10/24/2018 | The LEA may not provide a 15-day ESY program |
| 10-11-2018 | San Pasqual Valley 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 a15-day ESY program instead of a 20-day ESY program | San Pasqual Teachers AssociationLeah BuchananPresident11/13/2018Neutral | 11/13/2018 | The LEA may not provide a 15-day ESY program |

Created by the California Department of Education

January 2019

# Attachment 2: Waiver 2-12-2018 Butte County Office of Education

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 0410041

Waiver Number: 2-12-2018

Active Year: 2018

Date In: 12/10/2018 11:57:12 AM

Local Education Agency: Butte County Office of Education

Address: 1859 Bird St.

Oroville, CA 95965

Start: 6/10/2019

End: 6/28/2019

Waiver Renewal: Yes

Previous Waiver Number: 22-11-2017

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: 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 educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that they 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 for 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, sic (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 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: 138

City Type: Rural

Public Hearing Date: 11/13/2018

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

Local Board Approval Date: 11/13/2018

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 11/15/2018

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](file:///%5C%5CCDE.Cal%5CDATA%5CSEDATA%5CCENTRAL%5CDivision-wide%5CWAIVERS%5CWaiver%20Items%5C2019%5CMarch%20SBE%20Meeting%5Csdoughma%40bcoe.org)

Telephone: 530-532-5637

Fax: 530-532-5794

Bargaining Unit Date: 10/18/2018

Name: BCTA

Representative: Rachel Frank

Title: President

Position: Neutral

Bargaining Unit Date: 10/17/2018

Name: CSEA 436

Representative: Veronic Rosales

Title: President

Position: Support

Bargaining Unit Date: 10/17/2018

Name: CSEA 736

Representative: Cynde Landers

Title: President

Position: Support

# Attachment 3: Waiver 8-12-2018 Fall River Joint Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4569989

Waiver Number: 8-12-2018

Active Year: 2018

Date In: 12/18/2018 3:09:29 PM

Local Education Agency: Fall River Joint Unified School District

Address: 20375 Tamarack Ave.

Burney, CA 96013

Start: 6/13/2019

End: 7/3/2019

Waiver Renewal: Yes

Previous Waiver Number: 12-11-2017-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: Request by Fall River Joint Unified School District to waive the *California Code of Regulations* Title 5 Section 3043D. This required a minimum of 20 school days for an extended school year (summer school) for students with disabilities.

Outcome Rationale: The changes in the number of days and the extended time to equal 80 hours of ESY will provide appropriate academic support and will reduce related costs for transportation and building maintenance. It will allow for flexibility for families to plan vacations and weekend breaks without interrupting the students' educational program.

Student Population: 1200

City Type: Rural

Public Hearing Date: 11/14/2018

Public Hearing Advertised: It was posted at all school sites beginning on 11/07/2018

Local Board Approval Date: 11/14/2018

Community Council Reviewed By: Program Advisory Committee Shasta County

Community Council Reviewed Date: 12/13/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Rebecca Torgrimson

Position: Special Education Director

E-mail: [rtorgrimson@frjusd.org](file:///%5C%5CCDE.Cal%5CDATA%5CSEDATA%5CCENTRAL%5CDivision-wide%5CWAIVERS%5CWaiver%20Items%5C2019%5CMarch%20SBE%20Meeting%5Crtorgrimson%40frjusd.org)

Telephone: 530-335-4576

Bargaining Unit Date: 11/14/2018

Name: CA Schools Employee Assn/ Fall River Teachers Assn

Representative: Rod/Janelle Taylor/ Howes

Title: Association President

Position: Neutral

# Attachment 4: Waiver 9-11-2018 Greenfield Union School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1563503

Waiver Number: 9-11-2018

Active Year: 2018

Date In: 11/15/2018 8:51:50 AM

Local Education Agency: Greenfield Union School District

Address: 1624 Fairview Rd.

Bakersfield, CA 93307

Start: 6/3/2019

End: 6/27/2019

Waiver Renewal: Yes

Previous Waiver Number: 8-11-2017-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

Ed Code Authority: 33050(d)

*Education 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 apportionment 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 3, 2019 through June 27, 2019. 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: 289

City Type: Urban

Public Hearing Date: 11/2/2018

Public Hearing Advertised: A notice was posted at the District Office, at each school site, and on the District website. https://www.gfusd.net/apps/pages/Board\_Agendas\_2018

Local Board Approval Date: 11/14/2018

Community Council Reviewed By: District Advisory Committee and District English Language Advisory Committee

Community Council Reviewed Date: 10/26/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Melissa Ortiz

Position: Director of Special Education

E-mail: [ortizm@gfusd.net](file:///%5C%5CCDE.Cal%5CDATA%5CSEDATA%5CCENTRAL%5CDivision-wide%5CWAIVERS%5CWaiver%20Items%5C2019%5CMarch%20SBE%20Meeting%5Cortizm%40gfusd.net)

Telephone: 661-837-6130 x4103

Fax: 661-832-4754

Bargaining Unit Date: 09/10/2018

Name: Greenfield Teacher Association

Representative: Robert Dotson

Title: Union President

Position: Support

# Attachment 5: Waiver 1-12-2018 Madera County Superintendent of Schools

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2010207

Waiver Number: 1-12-2018

Active Year: 2018

Date In: 12/10/2018 11:19:01 AM

Local Education Agency: Madera County Superintendent of Schools

Address: 1105 South Madera Ave.

Madera, CA 93637

Start: 6/10/2019

End: 7/5/2019

Waiver Renewal: Yes

Previous Waiver Number: 28-2-2018-W-18

Previous SBE Approval Date: 7/16/2018

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

Outcome Rationale: The Madera County Superintendent of Schools proposes to provide ESY services to identified students with special needs utilizing a fifteen (15) day, five and one half (5.5) hours of instruction per day for a total of 82.5 hours of instruction. Because a change in routine is often difficult for students with moderate/severe disabilities, the longer school day for ESY will better align with the regular school year providing more consistency instruction for the students served.

Fewer ESY days will also result in substantial saving in transportation, utilities, janitorial, food services and other operational costs. A shorter ESY schedule will also increase instructional staff's interest in participating in the ESY program.

In the Madera area the ESY program for MCSOS would run from June 10, 2019 through June 28, 2019. In eastern Madera County, ESY would be conducted June 17, 2019 through July 5, 2019.

Student Population: 391

City Type: Small

Public Hearing Date: 11/13/2018

Public Hearing Advertised: Notices of public hearing posted at four school sites and the Madera County Superintendent of Schools building.

Local Board Approval Date: 11/13/2018

Community Council Reviewed By: Gould Educational Center Parent Group

Community Council Reviewed Date: 11/2/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Jessica Drake

Position: Asst. Executive Director Student Programs&Servies

E-mail: [jdrake@mcsos.org](file:///%5C%5CCDE.Cal%5CDATA%5CSEDATA%5CCENTRAL%5CDivision-wide%5CWAIVERS%5CWaiver%20Items%5C2019%5CMarch%20SBE%20Meeting%5Cjdrake%40mcsos.org)

Telephone: 559-662-4687

Fax: 559-674-7468

Bargaining Unit Date: 11/08/2018

Name: MCSOS Teacher Association CTA/NTA

Representative: Pam Glueck

Title: Member representative

Position: Neutral

# Attachment 6: Waiver 14-11-2018 National Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768221

Waiver Number: 14-11-2018

Active Year: 2018

Date In: 11/26/2018 1:44:03 PM

Local Education Agency: National Elementary School District

Address: 1500 N Ave.

National City, CA 91950

Start: 6/10/2019

End: 6/28/2019

Waiver Renewal: Yes

Previous Waiver Number: 11-3-2018-W-18

Previous SBE Approval Date: 7/11/2018

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 33043(d)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: *California Code of Regulations* (*CCR*), Title 5, Section 3043(d) requires that a District provide extended school year services (between the close of one academic year and the beginning of the next) to a student who has unique needs and requires special education and related services in excess of the regular academic year. *CCR*, Title 5 Section 3043(d) requires that the program be provided for a minimum of 20 instructional days, typically for four hours each day for a total of 80 hours of instruction.

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.

Outcome Rationale: Students who participate, in Extended School Year benefit from having consistent time of instructional day as it supports the structure of their programs, maintains educational benefit and provides a learning environment that address regression and recoupment of identified students with disabilities. They are able to maintain their schedules associated with Designated Service Providers and educational programming to maximize educational benefit with an educational day that is more closely aligned to the hours of the traditional calendared school days. Due to the current alignment in calendars within the South County, National School District staff that work during the Extended School Year do not get an extended break with the 20 day Extended School Year Calendar as it is currently utilized. There have been times when it is difficult to find staff volunteers to fill the Special Education teaching positions during the summer session. Transportation and Maintenance/Operations could have a cost benefit from running the summer school program in a lesser amount of days.

Student Population: 5571

City Type: Urban

Public Hearing Date: 10/24/2018

Public Hearing Advertised: Public Library, School Sites, District Office

Local Board Approval Date: 10/24/2018

Community Council Reviewed By: School Board, National City Teacher's Association, Classified School Employee Association

Community Council Reviewed Date: 8/30/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Meghann O'Connor

Position: Director of Student Support Services

E-mail: [moconnor@nsd.us](file:///%5C%5CCDE.Cal%5CDATA%5CSEDATA%5CCENTRAL%5CDivision-wide%5CWAIVERS%5CWaiver%20Items%5C2019%5CMarch%20SBE%20Meeting%5Cmoconnor%40nsd.us)

Telephone: 619-336-7740

Fax: 619-336-7751

Bargaining Unit Date: 08/30/2018

Name: National City Teacher's Association

Representative: Irma Sanchez

Title: District Bargaining Representative

Position: Support

# Attachment 7: Waiver 10-11-2018 San Pasqual Valley Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1363214

Waiver Number: 10-11-2018

Active Year: 2018

Date In: 11/15/2018 8:56:27 AM

Local Education Agency: San Pasqual Valley Unified School District

Address: Route 1, 676 Baseline Rd.

Winterhaven, CA 92283

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

Ed Code Authority: *Education Code* (*EC*) Section 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 four hours each for attendance for an extended school year (summer school) for special education students.

Outcome Rationale: San Pasqual Valley Unified School District (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 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: 686

City Type: Rural

Public Hearing Date: 11/13/2018

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

Local Board Approval Date: 11/13/2018

Community Council Reviewed By: School Site Councils

Community Council Reviewed Date: 11/13/2018

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](file:///%5C%5CCDE.Cal%5CDATA%5CSEDATA%5CCENTRAL%5CDivision-wide%5CWAIVERS%5CWaiver%20Items%5C2019%5CMarch%20SBE%20Meeting%5Cthoang%40spvusd.org)

Telephone: 760-572-0222 x2498

Fax: 760-572-2000

Bargaining Unit Date: 11/13/2018

Name: San Pasqual Teacher Association

Representative: Leah Buchanan

Title: President

Position: Neutral