

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of EducationSeptember 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

* Chico Unified School District 2-5-2019
* Coachella Valley Unified School District 1-5-2019
* Kings County Office of Education 5-5-2019
* Lake Tahoe Unified School District 11-5-2019
* Rialto Unified School District 12-6-2019
* Soledad Unified School District 8-5-2019

## 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). Please note these waivers are retroactive as the ESY programs have already taken place. Each LEA provided an alternate schedule showing they provided 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 requests from six LEAs that provided ESY services for fewer than 20 days because the LEAs provided instructional hours consistent with those provided to the general education enrollment at the same grade level unless the IEP specified otherwise. Also, special education and related services offered during the ESY period were 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

### Chico Unified School District

The Chico Unified School District (CUSD) requested to provide ESY services utilizing a 15-day schedule of 5 hours and 30 minutes per day totaling 82 hours and 30 minutes. They stated the alternate schedule provided more program time than a 20-day ESY schedule. The CUSD said parents, students, and staff supported the longer, more intense instructional minutes, and fewer ESY days resulted in substantial program savings.

Demographic Information: The CUSD has a student population of 12,481and is located in a rural area in Butte County.

### Coachella Valley Unified School District

The Coachella Valley Unified School District (CVUSD) requested to provide ESY services utilizing a 15-day schedule of 6 hours per day totaling 90 hours. They stated the schedule provided more program time than a 20-day ESY schedule. The CVUSD provided information that they serve a large geographical region and the alternate schedule better accommodated the many students who required designated instruction. Parents, students, and staff supported the shortened schedule which also resulted in substantial program savings.

Demographic Information: The CVUSD has a student population of 18,013 and is located in a rural area in Riverside County.

### Kings County Office of Education

The Kings County Office of Education (KCOE) requested to provide ESY services utilizing a 15-day schedule of 5 hours and 30 minutes per day totaling 82 hours and 30 minutes. They stated the schedule provided more program time than a 20-day ESY schedule, and helped them to hire qualified ESY staff that were able to meet the needs of students. They found that the longer ESY days allowed them to provide more meaningful opportunities for developing communication and social skills with their students.

Demographic Information: The KCOE has a student population of 357 and is located in a rural area in Kings County.

### Lake Tahoe Unified School District

The Lake Tahoe Unified School District (LTUSD) requested to provide ESY services utilizing a 14-day schedule of 5 hours and 30 minutes per day totaling 77 hours. They stated the alternate schedule which included the Fourth of July holiday provided more program hours than a 20-day ESY schedule that included the holiday.

The LTUSD also stated they had an extreme winter which impeded school attendance throughout the school year, and a school fire caused the relocation of programs to different schools across the district. Due to these circumstances, the 2018–19 school year was extended through the end of June causing less time for a summer break. A three-week schedule gave ESY students and staff a summer break and provided the LTUSD with more time to repair facilities and prepare for the 2019–20 school year.

Demographic Information: The LTUSD has a student population of 575 and is located in a rural area in El Dorado County.

### Rialto Unified School District

Rialto Unified School District (RUSD) requested to provide ESY services utilizing an
18-day schedule of 4 hours and 30 minutes per day for preschool through fifth grade students, totaling 81 hours of instruction; and an 18-day schedule of 6 hours and 30 minutes per day for middle school and high school students, totaling 117 hours of instruction. These alternate schedules provided more program time than a 20-day ESY schedule. The RUSD stated the schedules aligned with the general education summer school programs and allowed students with disabilities to participate more with their nondisabled peers. Fewer ESY days also resulted in substantial savings for operational costs.

Demographic Information: The RUSD has a student population of 25,066 and is located in an urban area in San Bernardino County.

### Soledad Unified School District

The Soledad Unified School District (SUSD) requested to provide ESY services utilizing a 17-day schedule of 5 hours per day, totaling 85 hours. The alternate schedule provided more program time than a 20-day ESY schedule. The SUSD stated their alternate schedule aligned with the general education summer school calendar, and ensured their ESY staff were able to participate in the program.

Demographic Information: The SUSD has a student population of 5,000 and is located in an urban area in Monterey 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 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:** Chico Unified School District General Waiver Request
2-5-2019 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Coachella Valley Unified School District General Waiver Request 1-5-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:**  Kings County Office of Education General Waiver Request
5-5-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Lake Tahoe Unified School District General Waiver Request

11-5-2019 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 6:** Rialto Unified School District General Waiver Request

12-6-2019 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 7:** Soledad Unified School District General Waiver Request

8-5-2019 (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 |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 2-5-2019 | Chico Unified School District | **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 | California School Employee Association, Aaron Smith, President 11/14/2018SupportChico Unified Teachers Association,Kevin Moretti,President11/14/2018Support | **Local Board:**11/14/2018**Public Hearing:**4/5/2019 | The LEA may not provide a 15-day ESY program |
| 1-5-2019 | Coachella 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 | California School Employees Association, Isadora Jimenez, President 3/15/2019SupportCoachella Valley Teachers Association,Carissa Carrera,President3/15/2019Support | 4/4/2019 | The LEA may not provide a 15-day ESY program |
| 5-5-2018 | Kings 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 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 School Employees Association, Isadora Jimenez, President 3/15/2019SupportCoachella Valley Teachers Association,Carissa Carrera,President3/15/2019Support | 1/9/2019 | The LEA may not provide a 15-day ESY program |
| 11-5-2019 | Lake Tahoe Unified School District | **Requested:**June 24, 2019, to July 12, 2019**Recommended:**June 24, 2019, to July 12, 2019 | To provide a 14-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a14-day ESY program instead of a 20-day ESY program | South Lake Tahoe Teachers Association,Jodi Dayberry,President6/6/2019NeutralNote: Bargaining unit information was received during the review of the waiver. | 5/14/2019 | The LEA may not provide a 14-day ESY program |
| 12-6-2019 | Rialto Unified School District | **Requested:**June 4, 2019, to June 27, 2019**Recommended:**June 4, 2019, to June 27, 2019 | To provide a 18-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a18-day ESY program instead of a 20-day ESY program | California School Employees Association, Chris Cordasco,President5/6/2019SupportRialto Education Association,Lisa Lindberg, President5/6/2019Support | 2/27/2019 | The LEA may not provide a 18-day ESY program |
| 8-5-2019 | Soledad Unified School District | **Requested:**June 1, 2019, to July 31, 2019**Recommended:**June 1, 2019, to July 3, 2019(The actual ESY program dates) | To provide a 17-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a17-day ESY program instead of a 20-day ESY program | California State Employees Association (CSEA), Valarie DavisCSEA Region Representative5/23/2019SupportSoledad Teachers Association,Adam Higgins, President5/24/2019SupportNote: Bargaining unit information was received during the review of the waiver. | 5/8/2019 | The LEA may not provide a 17-day ESY program |

Created by the California Department of Education

June 2019

# Attachment 2: Waiver 2-5-2019 Chico Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 0461424

Waiver Number: 2-5-2019

Active Year: 2019

Date In: 5/7/2019 12:31:59 PM

Local Education Agency: Chico Unified School District

Address: 1163 East Seventh St.

Chico, CA 95928

Start: 6/10/2019

End: 6/28/2019

Waiver Renewal: Yes

Previous Waiver Number: 15-3-2018-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: *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: Please excuse our late submission for a waiver. Chico Unified has taken in many students from the Camp Fire (11/8/18). This has effected all departments and sites.

The Chico Unified School District (CUSD) proposes to provide ESY services to identified students with disabilities utilizing a 15-day schedule of 5.5 hours of instruction per day, equaling 82.5 hours of ESY instruction. Parents, students, and staff supported the longer more intense instructional minutes. Fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration, and clerical costs to district.

Student Population: 12481

City Type: Rural

Public Hearing Date: 4/5/2019

Public Hearing Advertised: Posted online and at the Office of Education

Local Board Approval Date: 11/14/2018

Community Council Reviewed By: CAC (Community Action Committee) of Butte County Office of Education

Community Council Reviewed Date: 4/5/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Diane Olsen

Position: Director

E-mail: [dolsen@chicousd.org](file:///%5C%5CCDE.Cal%5CDATA%5CSEDATA%5CCENTRAL%5CDivision-wide%5CWAIVERS%5CWaiver%20Items%5C2019%5C09-September%20SBE%20Meeting%5Cdolsen%40chicousd.org)

Telephone: 530-891-3000 x20138

Fax: 530-891-3011

Bargaining Unit Date: 11/14/2018

Name: CSEA - California School Employee Association

Representative: Aaron Smith

Title: President

Position: Support

Comments:

Bargaining Unit Date: 11/14/2018

Name: CUTA - Chico Unified Teachers Association

Representative: Kevin Moretti

Title: President

Position: Support

Comments:

# Attachment 3: Waiver 1-5-2019 Coachella Valley Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3373676

Waiver Number: 1-5-2019

Active Year: 2019

Date In: 5/6/2019 6:10:03 PM

Local Education Agency: Coachella Valley Unified School District

Address: 87-225 Church St.

Thermal, CA 92274

Start: 6/10/2019

End: 6/28/2019

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: ED Code 3043

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 Coachella Valley Unified School District serves a large geographical region and the proposed 14 day schedule will better accommodate the many students who require designated instruction. Parents, student and staff support the shortened ESY schedule and will result in a substantial savings in transportation, utilities, food services, janitorial administration and clerical cost.

Student Population: 130

City Type: Rural

Public Hearing Date:

Public Hearing Advertised:

Local Board Approval Date: 4/4/2019

Community Council Reviewed By:

Community Council Reviewed Date:

Community Council Objection:

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Jessica Houpt

Position: Director, Special Education

E-mail: [jessica.houpt@cvusd.us](file:///%5C%5CCDE.Cal%5CDATA%5CSEDATA%5CCENTRAL%5CDivision-wide%5CWAIVERS%5CWaiver%20Items%5C2019%5C09-September%20SBE%20Meeting%5Cjessica.houpt%40cvusd.us)

Telephone: 760-848-1109

Fax:

Bargaining Unit Date: 03/15/2019

Name: California School Employees Association

Representative: Isadora Jimenez

Title: President

Position: Support

Comments:

Bargaining Unit Date: 03/15/2019

Name: Coachella Valley Teachers Association

Representative: Carrisa Carrera

Title: President

Position: Support

Comments:

# Attachment 4: Waiver 5-5-2019 Kings County Office of Education

Waiver Number: 5-5-2019

Active Year: 2019

Date In: 5/9/2019 7:47:46 PM

Local Education Agency: Kings County Office of Education

Address: 1144 West Lacey Blvd.

Hanford, CA 93230

Start: 6/10/2019

End: 6/28/2019

Waiver Renewal: YES

Previous Waiver Number: 14-3-2018

Previous SBE Approval Date: 3/14/2018

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: Section 3043 (d)

*Education Code* or *CCR* 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.

Outcome Rationale: We are a rural area with a limited number of staff who are willing to work our Extended School Year (ESY) program and there is a shortage of qualified people in the area who might apply to teach the program. Offering a shorter program in the past has led to more staff being able to participate creating an opportunity that will truly meet the needs of students. In order to provide the best services for students, we will offer the same number of instructional hours (80 hours) within 15 days rather than 20. We have found that the longer ESY days actually allow us to provide more meaningful opportunities for developing communication and social skills with our students. We respectfully request allowing us to waive this 20-day requirement.

Student Population: 120

City Type: Rural

Public Hearing Date: 1/9/2019

Public Hearing Advertised: Website and flyers in schools

Local Board Approval Date: 1/9/2019

Community Council Reviewed By: Special education advisory committee

Community Council Reviewed Date: 12/11/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Rebecca Jensen

Position: Program Director

E-mail: [rebecca.jensen@kingscoe.org](file:///%5C%5CCDE.Cal%5CDATA%5CSEDATA%5CCENTRAL%5CDivision-wide%5CWAIVERS%5CWaiver%20Items%5C2019%5C09-September%20SBE%20Meeting%5Crebecca.jensen%40kingscoe.org)

Telephone: 559-589-7097

Fax: 559-589-7001

Bargaining Unit Date: 12/21/2018

Name: California State Employees Association

Representative: Amber Pereira

Title: Instructional Assistant

Position: Support

Comments:

Bargaining Unit Date: 12/21/2018

Name: Kings Teachers Association

Representative: Dawn Sanger

Title: Teacher

Position: Support

Comments:

Telephone: 760-848-1109

Fax:

Bargaining Unit Date: 03/15/2019

Name: California School Employees Association

Representative: Isadora Jimenez

Title: President

Position: Support

Comments:

Bargaining Unit Date: 03/15/2019

Name: Coachella Valley Teachers Association

Representative: Carrisa Carrera

Title: President

Position: Support

Comments:

# Attachment 5: Waiver 11-5-2019 Lake Tahoe Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 0961903

Waiver Number: 11-5-2019

Active Year: 2019

Date In: 5/15/2019 2:52:20 PM

Local Education Agency: Lake Tahoe Unified School District

Address: 1021 Al Tahoe Blvd.

South Lake Tahoe, CA 96150

Start: 6/24/2019

End: 7/12/2019

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: ED Code 3043

Ed Code Authority: ED Code 3043(d)

*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 apportionment of state funds.

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

Outcome Rationale: Lake Tahoe Unified School District had an extreme winter impeding school attendance throughout the school year and a school fire that required relocation of programs to different schools across the district. The school year has been extended through the end of June and facilities are limited due to construction and school repairs due to the fire. More effective instructional opportunities given over a period of three weeks and providing an opportunity for school maintenance preparing for instruction the following year is necessary. There is little break between the end of the 2018/2019 and 2019/2020 school year. The Lake Tahoe Unified School District would like to streamline the provision of ESY to include the same number of hours a student would receive in 20 days to 15 days of ESY; 76 ESY hours will be provided June 24-July 12, 2019.

Student Population: 575

City Type: Rural

Public Hearing Date: 5/14/2019

Public Hearing Advertised: Public Board Agenda

Local Board Approval Date: 5/14/2019

Community Council Reviewed By: Leadership Council

Community Council Reviewed Date: 4/26/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Annamarie Cohen

Position: Director of Special Services

E-mail: [acohen@ltusd.org](file:///%5C%5CCDE.Cal%5CDATA%5CSEDATA%5CCENTRAL%5CDivision-wide%5CWAIVERS%5CWaiver%20Items%5C2019%5C09-September%20SBE%20Meeting%5Cacohen%40ltusd.org)

Telephone: 530-541-2850 x1026

# Attachment 6: Waiver 12-6-2019 Rialto Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3667850

Waiver Number: 12-6-2019

Active Year: 2019

Date In: 6/27/2019 8:41:15 AM

Local Education Agency: Rialto Unified School District

Address: 182 East Walnut Ave.

Rialto, CA 92376

Start: 6/4/2019

End: 6/27/2019

Waiver Renewal: Yes

Previous Waiver Number: 21-5-2018

Previous SBE Approval Date: 9/6/2018

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: *CCR* 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 on the preceding 3043(d) indicates the exact language being waived.

Outcome Rationale: The Rialto Unified School District proposes to provide ESY services utilizing an 18-day model of four and one-half hours of instruction per day for preschool – 5th grade, and 6 and one-half hours of instruction per day for middle school and high school students. The proposed schedule with allow students who receive special education services the ability to access the Learning Academies and enrichment summer school programs that enhance their exposure to the general education curriculum. Also, allows the students to have the same summer calendar offered for summer school. Parents of students are supportive of aligning with regular summer school programs. Students will receive the same, or greater, number of instructional minutes. In addition, fewer ESY days will result in savings for transportation, utilities, janitorial, food services, administration, and clerical costs.

Student Population: 25480

City Type: Urban

Public Hearing Date: Feb 27, 2019

Public Hearing Advertised: School website

Local Board Approval Date: 2/27/2019

Community Council Reviewed By: Rialto Council PTA

Community Council Reviewed Date: March 20, 2019

Community Council Objection:

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. BRIDGETTE EALY

Position: LEAD SP*EC*IAL SERVICE AGENT

E-mail: [bealy@rialto.k12.ca.us](file:///%5C%5CCDE.Cal%5CDATA%5CSEDATA%5CCENTRAL%5CDivision-wide%5CWAIVERS%5CWaiver%20Items%5C2019%5C09-September%20SBE%20Meeting%5Cbealy%40rialto.k12.ca.us)

Telephone: 909-820-7700 x2372

Bargaining Unit Date: 05/06/2019

Name: California School Association

Representative: CHRIS Cordasco

Title: PRESIDENT

Position: Support

Comments:

Bargaining Unit Date: 05/06/2019

Name: Rialto Education Association

Representative: LISA LINDBERG

Title: PRESIDENT

Position: Support

Comments:

# Attachment 7: Waiver 8-5-2019 Soledad Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2775440

Waiver Number: 8-5-2019

Active Year: 2019

Date In: 5/14/2019 11:18:54 AM

Local Education Agency: Soledad Unified School District

Address: 1261 Metz Rd.

Soledad, CA 93960

Start: 6/1/2019

End: 7/31/2019

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

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 school District is requesting a waiver to reduce the days of ESY from 20 to 17 days in order to align with the Districts general education summer school calendar. By aligning with the general education calendar it will allow the District to ensure all support staff are present as well as administrative support. We would have limited support for the reminder days due to most staff leaving on break after the 17th day.

In order to ensure students receive adequate instruction we are increasing the instructional day from 4 hours to 4.5 hours. This will allow us to provide the same number of instructional hours had we had a 20 day ESY.

Thank you for your time and consideration.

Student Population: 5000

City Type: Small

Public Hearing Date: 5/8/2019

Public Hearing Advertised: School Board Agenda

Local Board Approval Date: 5/8/2019

Community Council Reviewed By: School Board of Trustees

Community Council Reviewed Date: 5/8/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Nathan Moreno

Position: Director of Special Education

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