

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education March 2020 Agenda Item #W-10

## Subject

Request by **eleven 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 12-10-2019
* Covina-Valley Unified School District 17-12-2019
* Fallbrook Union Elementary School District 9-12-2019
* Greenfield Union School District 6-11-2019
* Madera County Superintendent of Schools 3-11-2019
* National Elementary School District 13-11-2019
* Palm Springs Unified School District 2-12-2019
* River Delta Joint Unified School District 18-11-2019
* San Pasqual Valley Unified School District 4-11-2019
* San Ysidro Elementary School District 9-10-2019
* South Bay Union School District 1-12-2019

## Type of Action

Action, Consent

## Summary of the Issue(s)

Eleven 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 eleven LEAs to provide ESY services for fewer than 20 days with the condition school day 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 (CVESD) 12-10-2019

The 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 program time, and 4 hours per day for pre-kindergarten totaling 60 hours of program time. The proposed schedule will provide more program 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 30,135 and is located in an urban area in San Diego County.

### Covina-Valley Unified School District (CVUSD) 17-12-2019

The CVUSD proposes to provide ESY services utilizing a 15-day schedule of 5 hours and 30 minutes per day for kindergarten through sixth grade totaling 82 hours and 30 minutes of program time. The proposed schedule will provide more program time than a 20-day ESY schedule. The CVUSD had an approved ESY waiver last school year where they found the 15-day schedule increased total ESY instruction while providing cost-savings to the program.

Demographic Information: The CVUSD has a student population of 11,686 and is located in a suburban area in Los Angeles County.

### Fallbrook Union Elementary School District (FUESD) 9-12-2019

The FUESD proposes to provide ESY services utilizing a 16-day schedule of 5 hours per day, 4 days a week, totaling 80 hours of program time. The proposed schedule will provide the same amount of program time as a 20-day ESY schedule. The FUESD had an approved ESY waiver the last two school years where they found the 16-day schedule of four days a week increased teacher participation and improved overall student attendance. In addition, surveys conducted by the FUESD found administration, staff, and parents prefer the four-day per week ESY schedule.

Demographic Information: The FUESD has a student population of 5,253 and is located in a rural area in San Diego County.

### Greenfield Union School District (GUSD) 6-11-2019

The GUSD proposes to provide ESY services utilizing a 16-day schedule Monday through Thursday of 5 hours and 30 minutes per day, totaling 88 hours of program time. The proposed schedule will provide more program time than a 20-day ESY schedule. The GUSD states the proposed schedule will allow them to hire highly-qualified staff that work with students during the school year, and provide more continuity for delivery of instruction between general education and special education. This schedule will also facilitate cost-effective services within classrooms and reduce related operation costs.

Demographic Information: The GUSD has a student population of 9,562 and is located in an urban area in Kern County.

### Madera County Superintendent of Schools (MCSOS) 3-11-2019

The 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 program time. The proposed schedule will provide more program time than a 20-day ESY schedule. The MCSOS states the longer ESY school day better aligns with the regular school year schedule, providing more consistency for the students served. Fewer ESY days will also result in substantial operational cost-savings and help them to hire ESY staff.

Demographic Information: The MCSOS has a student population of 411 and is located in a small city in Madera County.

### National Elementary School District (NESD) 13-11-2019

The NESD 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 program time. The proposed schedule will provide more program time than a 20-day ESY schedule. The NESD had an ESY waiver last school year which allowed them to provide students with a better program than the traditional 20-day program as the schedule aligned better to the regular school year for students, and it helped to improve the participation of experienced staff.

Demographic Information: The NESD has a student population of 5.232 and is located in an urban area in San Diego County.

### Palm Springs Unified School District (PSUSD) 2-12-2019

The PSUSD proposes to provide ESY services utilizing a 15-day schedule of 5 hours and 20 minutes per day totaling 80 hours of program time. The proposed schedule will provide the same amount of program time as a 20-day ESY schedule. The PSUSD states the proposed schedule will increase ESY attendance as attendance typically declines the fourth week of a traditional 20-day ESY program. It will also align with the general education summer school schedule allowing more opportunities for ESY students to interact with their non-disabled peers. Shortening the ESY term to three weeks may also entice a greater number of teachers to apply for the ESY program.

Demographic Information: The PSUSD has a student population of 2,834 and is located in a small city in Riverside County.

### River Delta Joint Unified School District (RDJUSD) 18-11-2019

The RDJUSD proposes to provide ESY services utilizing a 14-day schedule of 5 hours and 45 minutes per day, totaling 80 hours and 30 minutes of program time. The proposed schedule will provide more program time than a 20-day ESY schedule. The RDJUSD states the proposed schedule will mirror the regular school day for the grades served, help maintain student attendance, and improve the participation of highly qualified staff. Parents requested the shortened ESY schedule which is supported by both classified and certificated staff.

Demographic Information: The RDJUSD has a student population of 2,000 and is located in a rural area in Sacramento County.

### San Pasqual Valley Unified School District (SPVUSD) 4-11-2019

The 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 program time. The proposed schedule will provide more program time than a 20-day ESY schedule. 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. Students and families will have the flexibility to plan extended weekend breaks without interrupting students’ educational programs. The shortened number of days will facilitate cost-effective services within classrooms and reduce related program costs.

Demographic Information: The SPVUSD has a student population of 646 and is located in a rural area in Imperial County.

### San Ysidro Elementary School District (SYESD) 9-10-2019

The SYESD proposes to provide ESY services utilizing a 14-day schedule of 5 hours and 45 minutes per day, totaling 80 hours and 30 minutes of program time. The proposed schedule will provided more program time than a 20-day program. The SYESD states it has been a challenge to retain ESY instructors and support staff with the traditional 20-day program. The proposed shortened schedule would allow them to address the needs of identified students and help them hire qualified ESY staff. This schedule will also provide financial savings in facilities and transportation costs.

Demographic Information: The SYESD has a student population of 4,800 and is located in an urban area in San Diego County.

### South Bay Union School District (SBUSD) 1-10-2019

The SBUSD proposes to provide ESY services utilizing a 14-day schedule of 5 hours and 45 minutes per day, totaling 80 hours and 30 minutes of program time. The proposed schedule will provided more program time than a 20-day program. The SBUSD’s regular school year schedule provides only 33 days to hold the ESY program before the next school year starts. 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 7,871 and is located in a rural area in San Diego 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:** Chula Vista Elementary School District General Waiver Request 12-10-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Covina-Valley Unified School District General Waiver Request 17-12-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Fallbrook Elementary School District General Waiver Request 9-12-2019 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Greenfield Union School District General Waiver Request

6-11-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 6:**  Madera County Superintendent of Schools 3-11-2019   
  (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 7:** National Elementary School District General Waiver Request

13-11-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 8:** Palm Springs Unified School District General Waiver Request

2-12-2019 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 9:** River Delta Joint Unified School District 18-11-2019   
  (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 10:** San Pasqual Valley Unified School District 4-11-2019   
  (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 11:** San Ysidro Elementary School District 9-10-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 12:** South Bay Union School District 1-12-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

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

| 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 |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 12-10-2019 | Chula Vista Elementary School District | **Requested:**  June 8, 2020, to June 26, 2020  **Recommended:**  June 8, 2020, to June 26, 2020 | 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 | Chula Vista Educators,  Susan Skala, President 9/14/2019 Support | 10/16/2019 | The LEA may not provide a 15-day ESY program |
| 17-12-2019 | Covina-Valley Unified School District | **Requested:**  June 8, 2020, to June 26, 2020  **Recommended:**  June 8, 2020, to June 26, 2020 | 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 | Covina Unified Educator Association,  Adam Hampton, President 12/6/2019 Support | 11/4/2019 | The LEA may not provide a 15-day ESY program |
| 9-12-2019 | Fallbrook Union Elementary School District | **Requested:**  June 15, 2020, to July 9, 2020  **Recommended:**  June 15, 2020, to July 9, 2020 | To provide a 16-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  16-day ESY program instead of a 20-day ESY program | Fallbrook Elementary Teachers Association,  Jennifer Mariucci, President 11/19/2019 Support | 12/16/2019 | The LEA may not provide a 16-day ESY program |
| 6-11-2019 | Greenfield Union School District | **Requested:**  June 1, 2020, to June 25, 2020  **Recommended:**  June 1, 2020, to June 25, 2020 | To provide a 16-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  16-day ESY program instead of a 20-day ESY program | Greenfield Teachers Association,  Ashley Dawson, President 9/23/2019 Neutral | 11/13/2019 | The LEA may not provide a 16-day ESY program |
| 3-11-2019 | Madera County Superinten-dent of Schools | **Requested:**  June 8, 2020, to July 3, 2019  **Recommended:**  June 8, 2020, 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 a  15-day ESY program instead of a 20-day ESY program | Madera County Superintendent of Schools Teachers Association,  Lisa Moreno,  Negotiations Team  8/30/2019  Support | 11/12/2019 | The LEA may not provide a 15-day  ESY program |
| 13-11-2019 | National Elementary School District | **Requested:**  June 8, 2020, to June 26, 2020  **Recommended:**  June 8, 2020, to June 26, 2020 | 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 | National Elementary Teachers Association,  Irma Sanchez,  Bargaining Chair 10/11/2019  Support | 11/12/2019 | The LEA may not provide a 15-day ESY program |
| 2-2-2019 | Palm Springs Unified School District | **Requested:**  June 8, 2020, to June 26, 2020  **Recommended:**  June 8, 2020, to June 26, 2020 | 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 | Palm Springs Teachers Association, Karen Johnson,  President  7/31/2019  Support | **Local Board:**  11/26/2019  **Public Hearing:**  11/12/2019 | The LEA may not provide a 15-day ESY program |
| 18-11-2019 | River Delta Joint Unified School District | **Requested:**  June 9, 2020, to June 26, 2020  **Recommended:**  June 9, 2020, to June 26, 2020 | To provide a 14-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  14-day ESY program instead of a 20-day ESY program | California School Employees Association,  Mary Weathers,  President 10/16/2019  Support  River Delta Teachers Association,  William Hodges,  President 11/07/2019  Support | 9/10/2019 | The LEA may not provide a 14-day ESY program |
| 4-11-2019 | San Pasqual Valley Unified School District | **Requested:**  June 8, 2020, to June 26, 2020  **Recommended:**  June 8, 2020, to June 26, 2020 | 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 | San Pasqual Teachers Association,  Leah Buchanan,  President 11/12/2019  Neutral | 11/12/2019 | The LEA may not provide a 15-day ESY program |
| 9-10-2019 | San Ysidro Elementary School District | **Requested:**  June 8, 2020, to June 25, 2020  **Recommended:**  June 8, 2020, to June 25, 2020 | To provide a 14-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  14-day ESY program instead of a 20-day ESY program | California School Employees Association,  Maria Rios,  Site Representative 8/20/2019  Support  San Ysidro Teachers Association,  Jennifer Cuestas,  Grievance Chair  8/20/2019  Support | 10/10/2019 | The LEA may not provide a 14-day ESY program |
| 1-12-2019 | South Bay Union School District | **Requested:**  June 8, 2020, to June 26, 2020  **Recommended:**  June 16, 2020, to July 3, 2020, the proposed period of the ESY program | To provide a 14-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  14-day ESY program instead of a 20-day ESY program | South West Teachers Association,  Tracy Rolfe,  Special Education Representative 11/18/2019  Support | 11/21/2019 | The LEA may not provide a 14-day ESY program |

Created by the California Department of Education: December 2019

# Attachment 2: Waiver 12-10-2019 Chula Vista Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768023

Waiver Number: 12-10-2019

Active Year: 2019

Date In: 10/24/2019 12:40:25 PM

Local Education Agency: Chula Vista Elementary School District

Address: 84 East J St.

Chula Vista, CA 91910

Start: 6/8/2020

End: 6/26/2020

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*

*Education Code* or *CCR* to Waive: *CCR* Title 5, section 3040(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 8, 2020 – June 26, 2020; 5 hours and 25 minutes/day (81 hours). PreK will be June 8, 2020- June 26, 2020; 4 hours a day (Required 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

Public Hearing Date: 10/16/2019

Public Hearing Advertised: District website and on a public bulletin board

Local Board Approval Date: 10/16/2019

Community Council Reviewed By: Special Education Advisory Committee and Special Education Parent Committee

Community Council Reviewed Date: 9/5/2019

Community Council Objection: No

Community Council Objection Explanation:

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](file:///\\CDE.Cal\DATA\EXECDATA\CENTRAL\SBE\2020\03-%20March%202020\Waiver%20Items\OFAB\sharon.casey@cvesd.org)

Telephone: 619-425-9600 x1701

Bargaining Unit Date: 09/14/2019

Name: Chula Vista Educators

Representative: Susan Skala

Title: President

Position: Support

Comments:

# Attachment 3: Waiver 17-12-2019 Covina Valley Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1964436

Waiver Number: 17-12-2019

Active Year: 2019

Date In: 12/20/2019 1:25:41 PM

Local Education Agency: Covina-Valley Unified

Address: 519 East Badillo St.

Covina, CA 91723

Start: 6/8/2020

End: 6/26/2020

Waiver Renewal: Yes

Previous Waiver Number: 13-1-2019-W-11

Previous SBE Approval Date: 5/14/2019

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR*, Title 5, Se3ction 3043 (d)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 5 *CCR* 3043 (d) Extended School Year. 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...(d) [An extended year program shall be provided for a minimum of 20 instructional days, including holidays.]

Outcome Rationale: Due to the current fiscal issues in California, the Covina-Valley Unified School District proposes to provide a fifteen (15) day ESY rather than the previous twenty (20) day model (19 instructional, 1 holiday). The fifteen (15) day ESY will cut expenditures on transportation, custodial, electricity and staff costs in general. In previous years, ESY was delivered over nineteen days for 4.25 hours daily totaling 80.75 hours. In the fifteen(15) day ESY model instruction is provided for 5.5 hours daily, which increased total instruction to 82.50 hours.

Student Population: 11868

City Type: Suburban

Public Hearing Date: 11/4/2019

Public Hearing Advertised: At all school sites, the district website and the district office.

Local Board Approval Date: 11/4/2019

Community Council Reviewed By: Covina-Valley USD Board of Education

Community Council Reviewed Date: 11/4/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Lisabeth Pina

Position: Director, Special Education

E-mail: [lpina@c-vusd.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\March%20SBE%20Meeting\lpina@c-vusd.org)

Telephone: 626-974-7000 x800097

Bargaining Unit Date: 12/06/2019

Name: Covina Unified Educator Association

Representative: Adam Hampton

Title: CUEA President

Position: Support

Comments:

# Attachment 4: Waiver 9-12-2019 Fallbrook Union Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768114

Waiver Number: 9-12-2019

Active Year: 2019

Date In: 12/17/2019 3:08:39 PM

Local Education Agency: Fallbrook Union Elementary

Address: 321 North Iowa St.

Fallbrook, CA 92028

Start: 6/15/2020

End: 7/9/2020

Waiver Renewal: Yes

Previous Waiver Number: 4-2-2019-W-11

Previous SBE Approval Date: 5/8/2019

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: Section 3043 (d)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: Extended year school 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 fo the pupil"s 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 and 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: Our district had difficulties recruiting teachers to teach ESY and student attendance was lower with the 5-day per week schedule. Making the ESY schedule a 4-day per week schedule increased teacher participation and improved overall student attendance for the last two years. The number of hours students received did not change as the received 5 hours of instruction per day for 16 days as opposed to 4 hours of instruction for 20 days. Additionally, there were fiscal savings of 20% of the cost of transportation. A survey was conducted at the conclusion of ESY for the last two years and the 4-day per week schedule was preferred by administration, staff, and parents.

Student Population: 5253

City Type: Rural

Public Hearing Date: 12/16/2019

Public Hearing Advertised: Posting of board meeting agenda

Local Board Approval Date: 12/16/2019

Community Council Reviewed By: FUESD Executive Cabinet members and Educational Services Department

Community Council Reviewed Date: 11/18/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Leonard Rodriguez

Position: Executive Director, Pupil Personnel Services

E-mail: [lmrodriguez@fuesd.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\March%20SBE%20Meeting\lmrodriguez@fuesd.org)

Telephone: 760-731-5419

Bargaining Unit Date: 11/19/2019

Name: Fallbrook Elementary Teachers Association

Representative: Jennifer Mariucci

Title: President

Position: Support

Comments:

# Attachment 5: Waiver 6-11-2019 Greenfield Union School District

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 1563503

Waiver Number: 6-11-2019

Active Year: 2019

Date In: 11/14/2019 7:20:52 AM

Local Education Agency: Greenfield Union

Address: 1624 Fairview Rd.

Bakersfield, CA 93307

Start: 6/1/2019

End: 6/25/2019

Waiver Renewal: Yes

Previous Waiver Number: 9-11-2018-W-12

Previous SBE Approval Date: 3/14/2019

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: 33050(d)

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

Outcome Rationale: 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 1, 2020 through June 25, 2020. 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

Local Board Approval Date: 11/13/2019

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

Community Council Reviewed Date: 10/18/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Melissa Ortiz

Position: Support Services Director

E-mail: [ortizm@gfusd.net](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\March%20SBE%20Meeting\ortizm@gfusd.net)

Telephone: 661-837-6130

Bargaining Unit Date: 09/23/2019

Name: Greenfield Teachers Association

Representative: Ashley Dawson

Title: Union President

Position: Neutral

Comments:

# Attachment 6: Waiver 3-11-2019 Madera County Superintendent of Schools

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2010207

Waiver Number: 3-11-2019

Active Year: 2019

Date In: 11/13/2019 8:11:34 AM

Local Education Agency: Madera County Superintendent of Schools

Address: 1105 South Madera Ave.

Madera, CA 93637

Start: 6/8/2020

End: 7/3/2020

Waiver Renewal: Yes

Previous Waiver Number: 1-12-2018-W-12

Previous SBE Approval Date: 3/14/2019

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 in 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 8, 2020 through June 26, 2020. In eastern Madera County, ESY would be conducted June 15, 2020 through July 3, 2020.

Student Population: 411

City Type: Small

Public Hearing Date: 11/12/2019

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

Local Board Approval Date: 11/12/2019

Community Council Reviewed By: Gould Educational Center Parent Group

Community Council Reviewed Date: 10/22/2019

Community Council Objection: No

Community Council Objection Explanation: Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Jessica Drake

Position: Executive Director, Student Programs & Services

E-mail: [jdrake@mcsos.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\March%20SBE%20Meeting\jdrake@mcsos.org)

Telephone: 559-662-4669

Fax: 559-674-7468

Bargaining Unit Date: 08/30/2019  
Name: Madera County Superintendent of Schools Teachers A

Representative: Lisa Moreno

Title: Unit Member - Negotiations Team

Position: Support

# Attachment 7: Waiver 13-11-2019 National Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768221

Waiver Number: 13-11-2019

Active Year: 2019

Date In: 11/19/2019 10:51:46 AM

Local Education Agency: National Elementary

Address: 1500 N Ave.

National City, CA 91950

Start: 6/8/2020

End: 6/26/2020

Waiver Renewal: Yes

Previous Waiver Number: 14-11-2018-W-12

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: 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 (no less than the regular school day)]

Outcome Rationale: The National School District can meet the needs of students over a 15 day 5.5 hour day model better than with the 20 day 4 hours per day model due to shortage of experienced staff, and maintaining a more regular schedule for students that is more closely aligned to their instructional day. The time would be shifted to elongate the day but still maintain the instructional time needed to ensure educational benefit and continuity of programming.

Student Population: 5232

City Type: Urban

Public Hearing Date: 11/12/2019

Public Hearing Advertised: Posted on District website and at each location

Local Board Approval Date: 11/12/2019

Community Council Reviewed By: District Parent Advisory Committee

Community Council Reviewed Date: 11/6/2019

Community Council Objection: None

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: No

Submitted by: Ms. Meghann O'Connor

Position: Director of Student Support Services

E-mail: [moconnor@nsd.us](mailto:moconnor@nsd.us)

Telephone: 619-336-7740

Fax: 619-336-7551

Bargaining Unit Date: 10/11/2019

Name: National City Elementary Teacher's Association

Representative: Irma Sanchez

Title: Bargaining Chair

Position: Support

# Attachment 8: Waiver 2-12-2019 Palm Springs Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3367173

Waiver Number: 2-12-2019

Active Year: 2019

Date In: 12/6/2019 7:38:45 AM

Local Education Agency: Palm Springs Unified

Address: 150 District Center Dr.

Palm Springs, CA 92264

Start: 6/8/2020

End: 6/26/2020

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: 33050

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

Outcome Rationale: Historically, PSUSD has offered an Extended School Year program over 20 instructional days (four weeks) for four hours per day. As PSUSD increases summer program offerings for general education students, the Special Education Department is proposing to provide Extended School Year offering a 15-day program of three weeks, five hours and twenty minutes per day, commensurate with the approximate program time attended by general education peers and California Regulation Title 5 and the Individuals with Disabilities Education Act. PSUSD believes the requested change to the program will provide the following benefits to students:

1. Increase average daily attendance during Extended School Year, as attendance typically declines significantly the fourth week of Extended School year.

2. Compliance with section 300.106 of the Individuals with Disabilities Education Act by aligning the Extended School Year day/term with that of general education peers attending summer school.

3. Aligning the Extended School Year day/term with general education summer school may provide more opportunities for students with disabilities to interact with their non-disabled peers across various settings where general education summer school is offered.

4. Shortening the Extended School Year day/term to three weeks and aligning the schedule to general education summer school may entice a greater number of teachers certified to teach students with moderate/severe disabilities to apply to teach Extended School Year.

Student Population: 2834

City Type: Small

Public Hearing Date: 11/12/2019

Public Hearing Advertised: Notice of hearing posted at school sites, Desert Sun Newspaper, Sent to the following media outlets: KESQ TV, NBC TV, Univision TV, Alpha Media Radio Statioins.

Local Board Approval Date: 11/26/2019

Community Council Reviewed By: Special Education Parent Advisory Committee

Community Council Reviewed Date: 9/26/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Victoria Parkinson

Position: Director of Special Education

E-mail: [vparkinson@psusd.us](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\March%20SBE%20Meeting\vparkinson@psusd.us)

Telephone: 760-883-2703 x5014

Fax: 760-325-8730

Bargaining Unit Date: 07/31/2019

Name: Palm Springs Teacher's Association

Representative: Karen Johnson  
Title: President  
Position: Support  
Comments:

# Attachment 9: Waiver 18-11-2019 River Delta Joint Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3467413

Waiver Number: 18-11-2019

Active Year: 2019

Date In: 11/30/2019 9:40:26 AM

Local Education Agency: River Delta Joint Unified

Address: 445 Montezuma St.

Rio Vista, CA 94571

Start: 6/9/2020

End: 6/26/2020

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: 33050

*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 individual 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: River Delta USD proposes to provide ESY services utilizing a 14-day schedule of 5 hours and 45 minutes per day (345 mins), totaling 80.5 hours of instruction. The proposed schedule will provide the required amount of instructional time as required by the California Department of Education, continue to allow for RDUSD to address the regression and recoupment needs of identified students, and mirror the regular school day for the grade levels served. ESY during previous years has seen an inconsistent attendance rate (Less than 30% perfect attendance the past two years). It is hoped that a shortened ESY schedule will help maintain student attendance throughout the program, improve participation of highly qualified staff, as well as result in substantial operational cost savings. Both classified and certificated staff support this shortened ESY schedule. In addition this is parent requested.

Student Population: 2000

City Type: Rural

Public Hearing Date: 9/10/2019

Public Hearing Advertised: Posted on district website and school sites

Local Board Approval Date: 9/10/2019

Community Council Reviewed By: CAC

Community Council Reviewed Date: 11/16/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Danielle Tharp

Position: Coordinator of Special Education

E-mail: [dtharp@rdusd.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\March%20SBE%20Meeting\dtharp@rdusd.org)

Telephone: 707-366-5574

Fax: 707-374-2994

Bargaining Unit Date: 10/16/2019

Name: California School Employees Association (CSEA)

Representative: Mary Weathers

Title: President

Position: Support

Comments:

Bargaining Unit Date: 11/07/2019

Name: River Delta Unified Teachers Association (RDUTA)

Representative: William Hodges

Title: President

Position: Support

Comments:

# Attachment 10: Waiver 4-11-2019 San Pasqual Valley Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1363214

Waiver Number: 4-11-2019

Active Year: 2019

Date In: 11/13/2019 11:19:55 AM

Local Education Agency: San Pasqual Valley Unified

Address: 676 Base Line Rd.

Winterhaven, CA 92283

Start: 6/8/2020

End: 6/26/2020

Waiver Renewal: Yes

Previous Waiver Number: 10-11-2018

Previous SBE Approval Date: 3/14/2019

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *Education Code* (*EC*) Section 33050

Ed Code Authority: *EC* 33051(a)

*Education Code* or *CCR* to Waive: *California Code of Regulations*, Title 5 (5 *CCR*), Section 3043

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 proposed schedule will give students and families the flexibility to plan extended weekend breaks without interrupting the students' educational programs. The shortened number of days will facilitate cost effective services within classrooms, and reduce related costs for transportation, electricity, custodial services, food services, administration, etc.

Student Population: 646

City Type: Rural

Public Hearing Date: 11/12/2019

Public Hearing Advertised: Winterhaven & Bard Post Office, Winterhaven & Bard Water District Office, SPVUSD Office, SPVUSD School Sites

Local Board Approval Date: 11/12/2019

Community Council Reviewed By: School Site Councils, School Board Members, San Pasqual Teachers Association, CSEA Association

Community Council Reviewed Date: 11/12/2019

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:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\March%20SBE%20Meeting\thoang@spvusd.org)

Telephone: 760-572-0222 x2498

Fax: 760-572-2000

Bargaining Unit Date: 11/12/2019

Name: San Pasqual Teachers Association

Representative: Leah Buchanan

Title: President

Position: Neutral

# Attachment 11: Waiver 9-10-2019 San Ysidro Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768379

Waiver Number: 9-10-2019

Active Year: 2019

Date In: 10/22/2019 3:20:54 PM

Local Education Agency: San Ysidro Elementary

Address: 4350 Otay Mesa Rd.

San Ysidro, CA 92173

Start: 6/8/2020

End: 6/25/2020

Waiver Renewal: Yes

Previous Waiver Number: 31-2-2019-w-11

Previous SBE Approval Date: 5/8/2019

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: *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: Outcome Rationale: During previous ESY sessions, it has been a challenge to retain our permanent employees as ESY instructors and support staff. SYSD employees have indicated that they would be amenable to working ESY if it could be conducted during the month of June 2020. CURRENT CONSIDERATIONS: San Ysidro School District is requesting a waiver from the California Department of Education to modify the 20 day extended school year (ESY) program to 14 days for the 2019-2020 school year. SYSD has approximately 201 students who qualify for extended school year. IMPACT ON STUDENT ACHIEVEMENT: A 14 day ESY program from 06/08/2020 to 06/25/202 for 5.75 hours/day (80.5 hours total) combined with a shortened period in the summer with no school, would allow the District to address the repression 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: 4800

City Type: Urban

Public Hearing Date: 10/10/2019

Public Hearing Advertised: SYSD Website and Board Meeting

Local Board Approval Date: 10/10/2019

Community Council Reviewed By: SYSD Cabinet

Community Council Reviewed Date: 10/10/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Oscar Madera

Position: Director of Special Education

E-mail: [oscar.madera@sysdschools.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\March%20SBE%20Meeting\oscar.madera@sysdschools.org)

Telephone: 619-428-4476 x3057

Bargaining Unit Date: 08/20/2019  
Name: CSEA  
Representative: Maria Rios  
Title: Site Representative  
Position: Support  
Comments:

Bargaining Unit Date: 08/20/2019  
Name: San Ysidro Education Association  
Representative: Jennifer Cuestas  
Title: Grievence Chair  
Position: Support  
Comments:

# Attachment 12: Waiver 1-12-2019 South Bay Union School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768395

Waiver Number: 1-12-2019

Active Year: 2019

Date In: 12/2/2019 1:07:06 PM

Local Education Agency: South Bay Union

Address: 601 Elm Ave.

Imperial Beach, CA 91932

Start: 6/8/2020

End: 6/26/2020

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: 33050

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

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

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 District has a modified school calendar to align with the area secondary schools, creating a much shorter time between school years. The last day of the regular 2019-2020 school year is June 2nd for students and teachers. The first day of the 2020-2021 school year is anticipated to be July 27, 2020. This shortened period provides only 33 days to hold an ESY session.

A 14 day ESY program (June 16, 2014-July 3, 2014 for 5.75 hours/day) combined with a shortened period in the summer with no school, would still allow the District to address the regression and recoupment needs of identified students. An additional benefit would be a greater likelihood that the students’ teachers and aides will choose to work if the session is shorter.

The ESY program, for the purposes of reimbursement for average daily attendance, will provide instruction of at least as many minutes over the 14 day period as it would have during the typical 20 day ESY program and will receive the reimbursement for the 20 days of instruction. Longer days can provide greater opportunity for instructional impact. Fewer days may save operational and transportation costs.

Student Population: 7871

City Type: Urban

Public Hearing Date: 11/21/2019

Public Hearing Advertised: District posting and meeting agenda

Local Board Approval Date: 11/21/2019

Community Council Reviewed By: District Advisory Committee

Community Council Reviewed Date: 11/21/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Thomas Bevilacqua

Position: Coordinator

E-mail: [tbevilacqua@sbusd.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\March%20SBE%20Meeting\tbevilacqua@sbusd.org)

Telephone: 619-628-1665

Fax: 619-628-1669

Bargaining Unit Date: November 18, 2019   
Name: South West Teachers Association  
Representative: Tracy Rolfe  
Title: Special Education Representative  
Position: Support