

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education May 2020 Agenda Item #W-05

## Subject

Requests by sixteen 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 21-1-2020
* Chico Unified School District 8-2-2020
* El Centro Elementary School District 10-2-2020
* Fall River Unified School District 2-1-2020
* Fremont Union High School District 22-1-2020
* Hanford Elementary School District 9-2-2020
* Kings County Office of Education 15-2-2020
* Lake County Office of Education 2-2-2020
* Monterey Peninsula Unified School District 13-1-2020
* Mountain Empire Unified School District 14-1-2020
* Oroville City Elementary School District 6-1-2020
* Paradise Unified School District 24-1-2020
* Red Bluff Unified School District 5-1-2020
* San Diego County Office of Education 12-1-2020
* Tulare County Office of Education 3-1-2020
* Visalia Unified School District 1-1-2020

## Type of Action

Action, Consent

## Summary of the Issue(s)

Sixteen 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 sixteen 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

### Butte County Office of Education (BCOE) 21-1-2020

The BCOE proposes to provide ESY services utilizing a 15-day schedule of 6 hours per day totaling totaling 90 hours of program time.

The BCOE states the operation of ESY for 15 days instead of 20 will better match the schedules of the school district sites where BCOE classes are located, allowing students more opportunities to be with their typically developing peers and access their educational supports. Fewer ESY days will result in substantial savings in operational costs to the districts.

Demographic Information: The BCOE has a student population of 1,336 and is located in a rural area in Butte County.

### Chico Unified School District (CUSD) 8-2-2020

The CUSD 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.

Last year, catastrophic wildfires forced the CUSD to shorten the length of the ESY program through an approved ESY waiver. At the conclusion of last year’s ESY session the CUSD learned the shortened ESY schedule increased student attendance and the availability of qualified teachers and service providers. Greater retention of qualified teachers also resulted in consistent programming in core curriculum areas which will more likely impact student achievements.

Demographic Information: The CUSD has a student population of 14,358 and is located in a rural area in Butte County.

### El Centro Elementary School District (ECESD) 10-2-2020

The ECESD proposes to provide ESY services utilizing a 17-day schedule of 4 hours and 45 minutes per day, totaling 80 hours and 45 minutes of program time. The proposed schedule will provide more program time than a 20-day ESY schedule.

The ECESD states the proposed schedule aligns with the general education summer school program allowing for inclusive opportunities throughout the hours of operation. Additionally, there will be program cost savings with the alignment of both programs.

Demographic Information: The ECESD has a student population of 5,746 and is located in a rural area in Imperial County.

### Fall River Joint Unified School District (FRJUSD) 2-1-2020

The 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 program time. The proposed schedule will provide more program time than a 20-day ESY schedule.

The FRJUSD states the proposed schedule will provide students with the appropriate academic support and allow for flexibility for families to plan vacations and weekend breaks without interrupting students’ educational programs. It will also reduce related costs for transportation and building maintenance.

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

### Fremont Union High School District (FUHSD) 22-1-2020

The FUHSD 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 FUHSD states the proposed schedule will provide students with more continuity for delivery of instruction, promote community-based instruction, and increase the opportunities for teacher travel training. The shortened schedule would allow the flexibility for families to plan extended vacation breaks without interrupting students’ educational programs, and will reduce program costs.

Demographic Information: The FUHSD has a student population of 11,022 and is located in an urban area in Santa Clara County.

### Hanford Elementary School District (HESD) 9-2-2020

The HESD proposes to provide ESY services utilizing a 14-day schedule of 6 hours and 45 minutes per day, totaling 94 hours and 30 minutes of program time. The proposed schedule will provide more program time than a 20-day ESY schedule The HESD states this schedule will align with the general education enrichment program providing students with opportunities to interact and mainstream with typical peers. It will give ESY teachers the opportunity to attend professional development opportunities in the months of July and early August. In addition, the program will not be scheduled during the hotter month of July when the Air Quality Index is more likely to be in the unhealthy range for students with sensitive health conditions.

Demographic Information: The HESD has a district student population of 6,034 and is located in a rural area in Kings County.

### Kings County Office of Education (KCOE) 15-2-2020

The KCOE 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 KCOE has had approved ESY waivers in the past where they found the shortened schedule helped them to hire qualified ESY staff that were able to meet the needs of students. The longer ESY days allowed them to provide students with more meaningful opportunities for developing communication and social skills.

Demographic Information: The KCOE has a student population of 421 and is located in a rural area in Kings County.

### Lake County Office of Education (LCOE) 2-2-2020

The LCOE 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 LCOE had an approved ESY waiver last school year due to wildfires that affected the ESY schedule. The LCOE states that feedback and attendance rates for this three-week ESY program were extremely positive, and indicates qualified teachers and staff will more likely sign up for the program. The shortened schedule allows them to meet students’ needs while providing students and their families with more with vacation time.

Demographic Information: The LCOE has a student population of 28 and is located in a rural area in Lake County.

### Monterey Peninsula Unified School District (MPUSD) 13-1-2020

The MPUSD 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 MPUSD states they have traditionally held a four-week ESY program where enrollment patterns show student attendance is higher during the second and third weeks of the program. Many ESY students discontinue participation in the program on the fourth week. The MPUSD proposes a three-week program to help ensure the greatest student participation. The shortened number of ESY weeks will help the MPUSD to recruit qualified ESY teachers and staff, and will provide more time to prepare school campuses for the 2020-2021 school year.

Demographic Information: The MPUSD has a student population of 10,658 and is located in a rural area in Monterey County.

### Mountain Empire Unified School District (MEUSD) 14-1-2020

The MEUSD 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 MEUSD states that fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration, and clerical costs to the district.

Demographic Information: The MEUSD has a student population of 3,288 and is located in a rural area in San Diego County.

### Oroville City Elementary School District (OCESD) 6-1-2020

The OCESD proposes to provide ESY services utilizing a 13-day schedule of 6 hours and 15 minutes per day, totaling 81 hours and 15 minutes of program time. The proposed schedule will provide more program time than a 20-day ESY schedule.

The OCESD states the proposed schedule will enable them to align its schedule to better match, as closely as possible, the ESY program offered by the BCOE. The BCOE ESY program provides support services to some OCESD students, and coordinating calendars allows for close collaboration. The closely aligned programs will also allow transportation and support service personnel to work together.

Demographic Information: The OCESD has a student population of 2,440 and is located in a rural area in Butte County.

### Paradise Unified School District (PUSD) 24-1-2020

The PUSD 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 PUSD states the BCOE provides ESY services to some of their students, and the proposed schedule will allow them to coordinate these services with the BCOE. In addition, the shortened schedule will result in program cost savings, and allow for all program expenses to be accounted for in one fiscal year.

Demographic Information: The PUSD has a student population of 4,154 and is located in a rural area in Butte County.

### Red Bluff Union Elementary School District (RBUESD) 5-1-2020

The RBUESD proposes to provide ESY services utilizing a 15-day schedule of 5 hours and 30 minutes per day, totaling 82 hours and 30 minutes of program time. The proposed schedule will provide more program time than a 20-day ESY schedule.

The RBUESD states the proposed program will align more closely to the regular school day for all grade levels. Additionally, this schedule will attract trained highly-qualified teachers and staff to run the program.

Demographic Information: The RBUESD has a student population of 2,044 and is located in a rural area in Tehama County.

### San Diego County Office of Education (SDCOE) 12-1-2020

The San Diego County Office of Education (SDCOE) proposes to provide ESY services for the Davila Day School (DDS) utilizing a 13-day schedule of 6 hours and 45 minutes per day, totaling 87 hours and 45 minutes of program time. The proposed schedule will provide more program time than a 20-day program.

The SDCOE states it is difficult for students and staff to attend a traditional 20-day ESY program because the DDS operates a year-round schedule with a six-week summer break. Without the waiver they will experience problems with ESY staffing and attendance of ESY students. The DDS states they will be able to address the regression and recoupment needs of the identified students with a 13-day program.

Demographic Information: The SDCOE has a student population of 5,880, and the DDS has a student population of 32. Both are located in an urban area in San Diego County.

### Tulare County Office of Education (TCOE) 3-1-2020

The TCOE proposes to provide ESY services utilizing a 15-day schedule that will run Monday through Thursdays of 5 hours and 15 minutes per day, totaling 78 hours and 45 minutes of program time. The proposed schedule will provide more program time than a 20-day program that includes the Fourth of July holiday.

The TCOE states the proposed schedule will align with the Tulare County districts’ program operations and the schedule will reduce travel time for students and result in program cost savings.

Demographic Information: The TCOE has a student population of 3,186 and is located in a rural area in Tulare County.

### Visalia Unified School District (VUSD) 1-1-2020

The VUSD proposes to provide ESY services utilizing a 16-day schedule of 5 hours per day, totaling 80 hours of program time. The proposed schedule will provide the same amount of program time as a 20-day program.

The VUSD states the proposed schedule will provide all special education staff with the opportunity to participate in staff development opportunities that occur in the summer, and will provide flexibility to students and their families for summer planning. It will also allow the VUSD to provide a more economical program with regards to transportation and facility costs.

Demographic Information: The VUSD has a student population of 29,000 and is located in an urban area in Tulare County.

**Because these are general waivers, if the SBE decides to deny the waivers, it must cite one of the seven reasons in *EC* 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 (11 pages)
* **Attachment 2:** Butte County Office of Education General Waiver Request   
  21-1-2020 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Chico Unified School District General Waiver Request   
  8-2-2020 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** El Centro Elementary School District General Waiver Request

10-2-2020 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 5:** Fall River Joint Unified School District General Waiver Request 2-1-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6:** Fremont Union High School District General Waiver Request

22-1-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 7:** Hanford School District General Waiver Request

9-2-2020 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 8:** Kings County Office of Education General Waiver Request

15-1-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 9:**  Lake County Office of Education General Waiver Request   
  2-2-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 10:** Monterey Peninsula Unified School District General Waiver Request 13-1-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 11:** Mountain Empire Unified School District General Waiver Request 14-1-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 12:** Oroville City Elementary School District 6-1-2020 General Waiver Request (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 13:** Paradise Unified School District 5-1-2020 General Waiver Request (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 14:** Red Bluff Union Elementary School District 5-1-2020 General Waiver Request (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 15:** San Diego County Office of Education 12-1-2020 General Waiver Request (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 16:** Tulare County Office of Education 3-1-2020 General Waiver Request (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 17:** Visalia Unified School District 1-1-2020 General Waiver Request (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 |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 21-1-2020 | Butte County Office of Education | **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 | Butte County Teachers Association,  Rachel Frank, President 12/10/2019 Neutral | 12/13/2019 | The LEA may not provide a 15-day ESY program |
| 8-2-2020 | Chico 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 | California School Employees Association,  Lori Sullivan, President  2/5/2020 Support  Chico Unified Teachers Association,  Kevin Moretti, President  2/5/2020 Support | 2/5/2020 | The LEA may not provide a 15-day ESY program |
| 10-2-2020 | El Centro Elementary School District | **Requested:**  June 10, 2020, to July 2, 2020  **Recommended:**  June 10, 2020, to July 2, 2020 | To provide a 17-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  17-day ESY program instead of a 20-day ESY program | El Centro Elementary Teachers Association,  Shealyn Smith-Barker,  President 2/4/2020 Support | 2/11/2020 | The LEA may not provide a 17-day ESY program |
| 2-1-2020 | Fall River Joint Unified School District | **Requested:**  June 15, 2020, to July 3, 2020  **Recommended:**  June 15, 2020, to July 3, 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 | California Schools Employee Association,  Rod Taylor, President 11/19/2019 Neutral  Fall River Teachers Association, Janelle Howes, President  Neutral | **Local Board:**  12/18/2019  **Public Hearing:**  12/3/2020 | The LEA may not provide a 15-day ESY program |
| 22-1-2020 | Fremont Union High School District | **Requested:**  June 15, 2020, to July 3, 2020  **Recommended:**  June 15, 2020, to July 3, 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 | Fremont Education Association,  Jason Heskett, President 11/4/2019 Support | 11/5/2019 | The LEA may not provide a 15-day ESY program |
| 9-2-2020 | Hanford Elementary School District | **Requested:**  June 11, 2020, to June 30, 2020  **Recommended:**  June 11, 2020, to June 30, 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 #344,  Ron Riso, President 1/28/2020 Support  Hanford Elementary Teachers Association,  April Silva, President 2/1/2020 Support | 2/12/2020 | The LEA may not provide a 14-day ESY program |
| 15-2-2020 | Kings County Office of Education (KCOE) | **Requested:**  June 10, 2020, to June 30, 2020  **Recommended:**  June 10, 2020, to June 30, 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 | California School Employees Association,  Amber Pereira, President 2/4/2020 Support  Kings Teachers Association,  Diane Gilmartin, President 2/5/2020 Support | 2/12/2020 | The LEA may not provide a 15-day  ESY program |
| 2-2-2020 | Lake County Office of Education (LCOE) | **Requested:**  June 1, 2020, to June 19, 2020  **Recommended:**  June 1, 2020, to June 19, 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 | The LCOE does not have representation through a collective bargaining unit organization. | 2/12/2020 | The LEA may not provide a 15-day  ESY program |
| 13-1-2020 | Monterey Peninsula Unified School District | **Requested:**  June 15, 2020, to July 10, 2020  **Recommended:**  June 15, 2020, to July 10, 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 | California School Employees Association,  Jesse Tamayo, President 1/28/2020 Support  Monterey Bay Teachers Association, Lauren Mauch, President 1/28/2020 Support | 1/14/2020 | The LEA may not provide a 15-day ESY program |
| 14-1-2020 | Mountain Empire Unified School District | **Requested:**  June 15, 2020, to July 5, 2020  **Recommended:**  June 15, 2020, to July 5, 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 | Mountain Empire Teachers Association, Christine Goss, President 12/5/2019  Support | **Local Board:**  1/14/2020  **Public Hearing:**  12/4/2019 | The LEA may not provide a 15-day ESY program |
| 6-1-2020 | Oroville City Elementary School District (OCESD) | **Requested:**  June 1, 2020, to June 30, 2021  **Recommended:**  June 1, 2020, to June 30, 2021  Note: The OCESD’s waiver request is for two school years. The CDE recommends approval with conditions for the period requested. | To provide a 13-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  13-day ESY program instead of a 20-day ESY program | California School Employees Association,  Carla Held, President 10/14/2019 Support  California Elementary Teachers Association, Elizabeth Parmentier, President 10/14/2019 Support | 12/18/2019 | The LEA may not provide a 13-day ESY program |
| 24-1-2020 | Paradise Unified School District | **Requested:**  June 5, 2020, to June 29, 2020  **Recommended:**  June 5, 2020, to June 29, 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 | California School Employees Association,  Heidi Lange,  President 1/10/2020 Support  Teachers Association of Paradise,  David Smith, President 1/15/2020 Support | 1/21/2020 | The LEA may not provide a 15-day ESY program |
| 5-1-2020 | Red Bluff 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 | Red Bluff Elementary Educators Association, Catherine Pifferro,  President 9/24/2019  Support | 10/8/2019 | The LEA may not provide a 15-day ESY program |
| 12-1-2020 | San Diego County Office of Education | **Requested:**  June 1, 2020, to June 30, 2020  **Recommended:**  June 1, 2020, to June 30, 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 | California School Employees Association of Educators,  Keith Hildreth, President 10/18/2019  Support  San Diego County Association of Educators,  Tammy Reina, President  9/6/2019  Support | 9/11/2019 | The LEA may not provide a 15-day ESY program |
| 3-1-2020 | Tulare County Office of Education | **Requested:**  June 15, 2020, to July 8, 2020  **Recommended:**  June 15, 2020, to July 8, 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 | California School Employees Association,  Priscilla Elliot, Labor Relations Representative 1/6/2020  Support  California Teachers Association,  Shannon Akers, President  1/6/2020  Support | 10/9/2019 | The LEA may not provide a 15-day ESY program |
| 1-1-2020 | Visalia Unified School District (VUSD) | **Requested:**  June 1, 2020, to June 1, 2022  **Recommended:**  June 1, 2020, to June 1, 2022  Note: The VSUD’s waiver request is for three school years. The CDE recommends approval with conditions for the period requested. | 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 | California School Employees Association,  Juan Barnett, Chapter President 12/16/2019  Support  Visalia Unified Teachers Association,  Greg Price, President  12/12/2020  Support | 12/17/2019 | The LEA may not provide a 16-day ESY program |

Created by the California Department of Education: February 2020

# Attachment 2: Waiver 21-1-2020 Butte County Office of Education

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 0410041

Waiver Number: 21-1-2020

Active Year: 2020

Date In: 1/23/2020 11:10:22 AM

Local Education Agency: Butte County Office of Education

Address: 1859 Bird St.

Oroville, CA 95965

Start: 6/8/2020

End: 6/26/2020

Waiver Renewal: Yes

Previous Waiver Number: 2-12-2018-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: 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: 130

City Type: Rural

Public Hearing Date: 12/13/2019

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

Local Board Approval Date: 12/13/2019

Community Council Reviewed By: School Site Counsel

Community Council Reviewed Date: 12/19/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Stacy Doughman

Position: Senior Director, Special Education

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

Telephone: 530-532-5791

Fax: 530-532-5794

Bargaining Unit Date: 12/10/2019  
Name: BCTA  
Representative: Rachel Frank  
Title: President  
Phone: 530-879-7515  
Position: Neutral  
Comments:

Bargaining Unit Date: 01/03/2020  
Name: CSEA 436  
Representative: Sandra Rodriguez  
Title: President  
Phone: 530-868-1406  
Position: Support  
Comments:

Bargaining Unit Date: 12/13/2019  
Name: CSEA 736  
Representative: Cynde Landers  
Title: President  
Phone: 530-532-5603  
Position: Support  
Comments:

# Attachment 3: Waiver 8-2-2020 Chico Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 0461424

Waiver Number: 8-2-2020

Active Year: 2020

Date In: 2/12/2020 12:47:07 PM

Local Education Agency: Chico Unified

Address: 1163 East Seventh St.

Chico, CA 95928

Start: 6/8/2020

End: 6/26/2020

Waiver Renewal: Yes

Previous Waiver Number: 1-1-2019-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: 5 *CCR* 3043

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: 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 the district, and will also assist CUSD in the hiring of highly qualified special education teachers currently employed by the district.

Student Population: 12249

City Type: Rural

Public Hearing Date: 2/5/2020

Public Hearing Advertised: Posted online and at school district office

Local Board Approval Date: 2/5/2020

Community Council Reviewed By: CAC

Community Council Reviewed Date: 1/14/2020

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:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\May%20SBE%20Meeting\dolsen@chicousd.org)

Telephone: 530-891-3000 x20138

Fax: 530-891-3011

Bargaining Unit Date: 02/05/2020  
Name: CSEA - California School Employees Assn.  
Representative: Lori Sullivan  
Title: President  
Phone: 530-891-3000  
Position: Support  
Comments:

Bargaining Unit Date: 02/05/2020  
Name: CUTA - Chico Unified Teachers Assn.  
Representative: Kevin Moretti  
Title: President  
Phone: 530-891-3000  
Position: Support  
Comments:

# Attachment 4: Waiver 10-2-2020 El Centro Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1363123

Waiver Number: 10-2-2020

Active Year: 2020

Date In: 2/13/2020 6:54:22 PM

Local Education Agency: El Centro Elementary

Address: 1256 Broadway

El Centro, CA 92243

Start: 6/10/2020

End: 7/2/2020

Waiver Renewal: Yes

Previous Waiver Number: 2-3-2019-W-15

Previous SBE Approval Date: 7/12/2019

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: 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)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: *EC*ESD is requesting a waiver to *CCR*, Title 5, 3043(d). Title 5 California Code of Regulation 3043(d) requires, “An extended year program shall be provided for a minimum of 20 instructional days, including holidays.” If approved, the waiver will allow operation of a 17 day Extended School Year program at 4.75 hours per day (4.75 hours x 17 days = 80.75 hours). The proposed dates are June 10, 2020 through July 2, 2020. The proposed 17 day schedule exceeds the 80 hour minimum of instructional hours required for the 20 school days of attendance. The dates and hours of instruction will also be in alignment with the General Education Summer School program offered by the District, allowing for inclusive opportunities throughout the hours of operation. Additionally, there will be a cost savings for transportation, facility use, maintenance and food service with the alignment of the summer programs.

Student Population: 5400

City Type: Rural

Public Hearing Date: 2/11/2020

Public Hearing Advertised: Posted at every site in the District for a 10 day period

Local Board Approval Date: 2/11/2020

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 2/4/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Janice Lau

Position: Senior Director, Special Education

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

Telephone: 760-352-5712 x8534

Fax: 760-370-3221

Bargaining Unit Date: 02/04/2020  
Name: El Centro Elem. Teachers Association  
Representative: Shealyn Smith Barker  
Title: *EC*ETA President  
Phone: 760-337-6555  
Position: Support  
Comments:

# Attachment 5: Waiver 2-1-2020 Fall River Joint Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4569989

Waiver Number: 2-1-2020

Active Year: 2020

Date In: 1/6/2020 10:16:21 AM

Local Education Agency: Fall River Joint Unified

Address: 20375 Tamarack Ave.

Burney, CA 96013

Start: 6/15/2020

End: 7/3/2020

Waiver Renewal: Yes

Previous Waiver Number: 8-12-2018-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: Request by Fall River Joint Unified School District to waive the California Code of Regulation 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: 12/3/2019

Public Hearing Advertised: It was posted at all school sites beginning 12/03/2019

Local Board Approval Date: 12/18/2019

Community Council Reviewed By: Program Advisory Committee Shasta County

Community Council Reviewed Date: 12/12/2019

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:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\May%20SBE%20Meeting\rtorgrimson@frjusd.org)

Telephone: 530-335-4576

Bargaining Unit Date: 11/19/2019  
Name: CA Schools Employee Assn/ Fall River Teachers Assn  
Representative: Rod/Janelle Taylor/ Howes  
Title: Association President  
Position: Neutral

Comments:

# Attachment 6: Waiver 22-1-2020 Fremont Union High School District

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 4369468

Waiver Number: 22-1-2020

Active Year: 2020

Date In: 1/23/2020 1:01:05 PM

Local Education Agency: Fremont Union High

Address: 589 West Fremont Ave.

Sunnyvale, CA 94087

Start: 6/15/2020

End: 7/3/2020

Waiver Renewal: Yes

Previous Waiver Number: 15-1-2019

Previous SBE Approval Date: 5/9/2019

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR*,Title 5, Section 304 (d)

Ed Code Authority: 3043

Ed Code or *CCR* to Waive: An extended year program shall be provided for a minimum of 20 instructional days, includingholidays.

Outcome Rationale: Provide more continuity for delivery of instruction and promotion of community based instruction and increase the opportunities for travel training. Additionally, this would allow students and families the flexibility to plan extended vacation breaks without interrupting the students' educational program. Facilitate cost effective services within classrooms and reduce related cots for transportation, electricity, custodial services, food services, administration, etc.

Expand uninterrupted opportunities for school staff to improve facilities before school re-opens in the Fall.

Student Population: 150

City Type: Urban

Public Hearing Date: 11/5/2019

Public Hearing Advertised: District website

Local Board Approval Date: 11/5/2019

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 2/12/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Nancy Sullivan

Position: Director of Educational and Special Services

E-mail: [nancy\_sullivan@fuhsd.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\May%20SBE%20Meeting\nancy_sullivan@fuhsd.org)

Telephone: 408-522-2232

Fax:

Bargaining Unit Date: 11/04/2019

Name: Fremont Education Association

Representative: Jason Heskett

Title: President

Phone: (650)269-3077

Position: Support

Comments:

# Attachment 7: Waiver 9-2-2020 Hanford Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1663917

Waiver Number: 9-2-2020

Active Year: 2020

Date In: 2/13/2020 11:39:26 AM

Local Education Agency: Hanford Elementary

Address: 714 North White St.

Hanford, CA 93230

Start: 6/11/2020

End: 6/30/2020

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 33050

Ed Code Authority: *CCR* 3043 (d)

*Education Code* or *CCR* to Waive: An extended year program shall be provided for a minimum of 20 instructional days, including holidays.

Outcome Rationale: We are located in the San Joaquin Valley in a rural community. In the later part of the summer, the heat can soar to above 110 degrees, causing the afternoons to be unbearable. These hot summer days can be difficult for students to actively participate in learning with such heat. Not to mention when the Air Quality Index is in the unhealthily range, especially for our students with significant disabilities and health conditions. In addition, the heat causes great strain on already overworked air conditioning units. Prior to a successful waiver application in the past, we saw a dramatic decrease in the number of students who began the program and remained for the duration of the ESY program mainly due to the heat and the length of the program was too much for them to manage during the hot summers in the San Joaquin Valley. Both parents and students have reported that the heat and the length of the program was too much for them to manage during the hot summer months. With the approval of the waiver and subsequent program adjustment, we saw the number of students participate from the start of the program to the end of the program remain consistent. In addition, our ESY program our program is aligned with the general education enrichment program dates, which is operated by the District. This alignment helps our special education students with the opportunity to to interact and mainstream with their typical peers during our ESY program. Finally, qualified staff that teach our mild to moderate and moderate to severe students is limited. With such limited staff, the teachers are often left with little opportunity to participate in District offered professional development that take place during the summer months, as they are teaching in the ESY program.

This restricts professional development opportunities to our special education staff throughout the month of June and into the first week of July without the waiver. These professional development opportunity are opportunity for professional learning that our special education teachers so desire. As such the District is requesting that the waiver be approved to allow our ESY program to operate from June 11, 2020 to June 30, 2020 from 8:00 am to 1:45 pm. This meets the required 80 hours of instruction. As well, allows the program not to run into the hotter month of July, align with general education summer enrichment programs and provides special education teacher with the opportunity to take full advantage of professional development opportunities provided by the District throughout th months of July and early August.

Student Population: 520

City Type: Rural

Public Hearing Date: 2/12/2020

Public Hearing Advertised: Board Meeting Agenda (posted publically)

Local Board Approval Date: 2/12/2020

Community Council Reviewed By: Hanford Elementary School District Board of Trustees

Community Council Reviewed Date: 2/12/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Karen McConnell

Position: Assistant Superintendent

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

Telephone: 559-585-3630

Fax: 559-585-2250

Bargaining Unit Date: 01/28/2019  
Name: California School employees Association #344  
Representative: Ron Riso  
Title: President  
Phone: 559-585-3645  
Position: Support  
Comments:

Bargaining Unit Date: 02/01/2020  
Name: Hanford Elementary Teachers Association  
Representative: April Silva  
Title: President  
Phone: 559-585-3850  
Position: Support  
Comments:

# Attachment 8: Waiver 15-2-2020 Kings County Office of Education

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1610165

Waiver Number: 15-2-2020

Active Year: 2020

Date In: 2/18/2020 3:50:06 PM

Local Education Agency: Kings County Office of Education

Address: 1144 West Lacey Blvd.

Hanford, CA 93230

Start: 6/10/2020

End: 6/30/2020

Waiver Renewal: Yes

Previous Waiver Number: 5-5-2019-W-12

Previous SBE Approval Date: 9/11/2019

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: [5 *CCR* §3043]

Ed Code Authority: [§3043 (d)]

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

Outcome Rationale: We are a rural area with a limited number of staff who are willing to work our ESY program and 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 current staff being able to participate creating an opportunity that will truly meet the needs of the students. In order to provide the best services for students, we will offer additional instructional hours (82.5 rather than 80 hours) within the 15 rather than 20 days. 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: 421

City Type: Rural

Public Hearing Date: 2/12/2020

Public Hearing Advertised: Posted in all local schools and school district offices; posted on the County website.

Local Board Approval Date: 2/12/2020

Community Council Reviewed By: SELPA Advisory Committee

Community Council Reviewed Date: 1/21/2020

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Rebecca Jensen

Position: Assistant Superintendent of Special Education

E-mail: [rebecca.jensen@kingscoe.org](mailto:rebecca.jensen@kingscoe.org)

Telephone: 559-589-7097

Bargaining Unit Date: 02/04/2020  
Name: California School Employees Association  
Representative: Amber Pereira  
Title: CSEA President  
Phone: 559-589-2561  
Position: Support  
Comments:

Bargaining Unit Date: 02/05/2020  
Name: Kings Teachers Association (Branch of CTA)  
Representative: Diane Gilmartin  
Title: KTA Vice President  
Phone: 559-589-2543  
Position: Support  
Comments:

# Attachment 9: Waiver 2-2-2020 Lake County Office of Education

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 1710173

Waiver Number: 2-2-2020

Active Year: 2020

Date In: 2/5/2020 10:18:47 AM

Local Education Agency: Lake County Office of Education

Address: 1152 South Main St.

Clearlake, CA 95422

Start: 6/1/2020 End: 6/19/2020

Waiver Renewal: Yes

Previous Waiver Number: 13/04/2019

Previous SBE Approval Date: 4/10/2019

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

Ed Code or *CCR* to Waive: *CCR*, Title 5, Section 3034 (d) - "...which requires a minimum of 20 school days for an extended school year (summer school) for students with disabilities."

Outcome Rationale: Last year a waiver was approved 3 weeks of ESY (summer school) due to fires affecting the last day of school in order to provide 180 days. Feedback and attendance rates for this three week program were extremely positive. This allows more time for students to travel over the summer and spend time with their families. Feedback indicates that staff are more likely to sign up to teach summer school when they can complete the program in three weeks and still meet the required 80 hour minimum. In a rural setting such as ours it is difficult to find qualified teachers and staff to teach our special needs students.

Student Population: 28

City Type: Rural

Local Board Approval Date: 2/12/2020

Public Hearing Date: 2/12/2020

Public Hearing Advertised: Lake County Office of Education website

Audit Penalty Yes or No: N o

Categorical Program Monitoring: No

Community Council Reviewed By: School Site Council   
Community Council Reviewed Date: 1/30/2020 and 2/5/2020  
Community Council Objection: No Objection  
Community Council Objection Explanation:

Bargaining Unite Date: LCOE does not have a bargaining unit.

Submitted by: Ms. Shelley Tan

Position: Principal

E-mail: [stan@lakecoe.org](mailto:stan@lakecoe.org)  
Telephone: 707-995-9523 x404

Fax: 707-995-9523

# Attachment 10: Waiver 13-1-2020 Monterey Peninsula Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2766092

Waiver Number: 13-1-2020

Active Year: 2020

Date In: 1/16/2020 10:47:41 AM

Local Education Agency: Monterey Peninsula Unified

Address: 700 Pacific St.

Monterey, CA 93940

Start: 6/15/2020

End: 7/10/2020

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: 3034(d) [An extended year program shall be provided for a minimum of 20 instructional days (including holidays.]

Outcome Rationale: M{USD has traditionally held a 4-week summer extended school year program. Historical enrollment patterns show peak student attendance is week two and three of extended school year, with many student discontinuing participation after that time. The District proposes reducing extended school year from four weeks to three weeks while simultaneously increasing the length of each daily session to maximize instructional minutes during the weeks of greatest student participation. This reduction in length will also help ensure the summer program is complete before the 4th of July holiday, when recruitment of staff to adequately support and supervise students becomes more difficult. Last, shortening the number of weeks of extended school year will give MPUSD more time to prepare the campus (or campuses) used for this program for the 2020-2021 school year, addressing a concern that has been voiced in prior years.

Student Population: 300

City Type: Rural

Public Hearing Date: 1/14/2020

Public Hearing Advertised: MPUSD maintains a website of all Board Meeting dates. Agendas are sent to all District employees and are available prior to the meeting date online.

Local Board Approval Date: 1/14/2020

Community Council Reviewed By: Parent Advisory Committee

Community Council Reviewed Date: 2/6/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Heather Cheatham

Position: Director 1, Special Education

E-mail: [hcheatham@mpusd.k12.ca.us](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\May%20SBE%20Meeting\hcheatham@mpusd.k12.ca.us)

Bargaining Unit Date: 1/28/2020  
Name: MPUSD California School Employees Association  
Representative: Jesse Tomayo  
Title: President  
Phone:   
Position: Support  
Comments:

Bargaining Unit Date: 1/28/2020  
Name: Monterey Bay Teachers Association  
Representative: Lauren Mauch  
Title: President  
Phone:   
Position: Support  
Comments:

# Attachment 11: Waiver 14-1-2020 Mountain Empire Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768213

Waiver Number: 14-1-2020

Active Year: 2020

Date In: 1/17/2020 7:54:59 AM

Local Education Agency: Mountain Empire Unified

Address: 3305 Buckman Springs Rd.

Pine Valley, CA 91962

Start: 6/15/2020

End: 7/5/2020

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

Outcome Rationale: Fewer ESY days equaling that same amount of instructional days as 20, would result in substantial savings in transportation, utilities, janitorial, food services, administration, and cercal costs to the district.

Student Population: 1725

City Type: Rural

Public Hearing Date: 12/4/2019

Public Hearing Advertised: Posted online and at school sites.

Local Board Approval Date: 1/14/2020

Community Council Reviewed By: Mountain Empire Title VII Advisory Committee

Community Council Reviewed Date: 12/4/2019

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Bill Dennett

Position: Director of Pupil Services and Special Education

E-mail: [Bill.Dennett@meusd.k12.ca.us](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\May%20SBE%20Meeting\Bill.Dennett@meusd.k12.ca.us)

Telephone: 619-473-9022 x1150

Fax: 619-473-9728

Bargaining Unit Date: 12/05/2019  
Name: Mountain Empire Teacher's Association  
Representative: Christine Goss  
Title: President  
Phone: 619-473-9022 ext#2218  
Position: Support  
Comments:

# Attachment 12: Waiver 6-1-2020 Oroville City Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 0461507

Waiver Number: 6-1-2020

Active Year: 2020

Date In: 1/13/2020 10:35:46 AM

Local Education Agency: Oroville City Elementary

Address: 2795 Yard St.

Oroville, CA 95966

Start: 6/1/2020

End: 6/30/2021

Waiver Renewal: Yes

Previous Waiver Number: 16-1-2018-W-10

Previous SBE Approval Date: 5/9/2018

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, in accordance with 34 C.F.R. section 300.106, 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 disabilities 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 disabling condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the IEP team determines the need for such a program and includes extended school year in the IEP pursuant to subdivision (e).

Outcome Rationale: The District proposes to provide Extended School Year (ESY) services to identified special education students utilizing a 13-day, 6.25 hour per day instructional model. Students will receive the same or greater number of instructional minutes as they would in a 20 day program. This will enable the District to align it's schedule to match, as closely as possible, the ESY program offered by the Butte County Office of Education (BCOE). BCOE provides support services to some of our students during ESY and coordinating calendars allows for close collaboration with the COE. Transportation and support service personnel will be able to work together with calendars that are closely aligned.

Student Population: 2440

City Type: Rural

Public Hearing Date: 12/18/2019

Public Hearing Advertised: Posted notice at all BCOE buildings, on our District website and at the District Office and other Public Notice locations in town from 12/4/2019 until the Public Hearing date of 12/18/2019

Local Board Approval Date: 12/18/2019

Community Council Reviewed By: School Board Council, bargaining unit representatives, local parent committee members.

Community Council Reviewed Date: 12/18/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Spencer Holtom

Position: Superintendent

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

Telephone: 530-532-3000 x101

Fax:

Bargaining Unit Date: 10/14/2019  
Name: California Elementary Teacher's Association  
Representative: Elizabeth Parmentier  
Title: President  
Position: Support  
Comments:

Bargaining Unit Date: 10/14/2019  
Name: California School Employees Association  
Representative: Carla Held  
Title: President  
Position: Support  
Comments:

# Attachment 13: Waiver 24-1-2020 Paradise Unified School District

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 0461531

Waiver Number: 24-1-2020 Active Year: 2020

Date In: 1/29/2020 9:37:16 AM

Local Education Agency: Paradise Unified

Address: 6696 Clark Rd

Paradise, CA 95969

Start: 2/5/2020

End: 6/29/2020

Waiver Renewal: Yes

Previous Waiver Number: 26-2-2019

Previous SBE Approval Date: 3/1/2018

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR*, Title 5 Section 3051.16(b)(3)

Ed Code Authority: 33050-33053

Ed Code or *CCR* to Waive: May not be used to deny any individual an extended year program if the individualized education program team determines the need for such a program and includes and extended year program as part of the individualized education program pursuant to the subsection (f). An extended school year program shall be provided for a minimum of 20 instructional days, including holidays (d).

Outcome Rationale: Paradise Unified School District (PUSD) proposes to provide Extended School Year (ESY) services to identified special education students utilizing a fifteen (15) day, five and one half (5.5) hours of instructional model rather than the traditional model of twenty (20) days with four (4) hours of instruction. Students would receive the same or greater number of instructional minutes. Butte County Office of Education has applied for a waiver which supports accessing the services we receive from them for our students. Fewer Extended School Year instructional days will result in savings in transportation, utilities, janitorial, food services, administration, and clerical costs. 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: 330

City Type: Rural

Local Board Approval Date: 1/21/2020

Public Hearing Date: 1/21/2020

Public Hearing Advertised: District Office, District website

Community Council Reviewed By: Paradise High School Site Council

Community Council Reviewed Date: 2/11/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: N o

Categorical Program Monitoring: No

Submitted by: Ms. Tristaka Parker

Position: Student Services Admin Assistant

Email: [tparker@pusdk12.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\May%20SBE%20Meeting\tparker@pusdk12.org)

Telephone: 530-872-6400 x1229

Fax: 530-872-9708

Bargaining Unit Date: 01/10/2020

Name: CSEA

Representative: Heidi Lange

Title: CSEA President

Phone: 530-872-6400

Position: Support

Comments:

Bargaining Unit Date: 01/15/2020

Name: TAP

Representative: David Smith

Title: TAP President

Phone: 530-872-6422

Position: Support

Comments:

# Attachment 14: Waiver 5-1-2020 Red Bluff Union School District

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 5271621

Waiver Number: 5-1-2020

Active Year: 2020

Date In: 1/10/2020 3:47:17 PM

Local Education Agency: Red Bluff Union Elementary

Address: 1755 Airport Blvd., Administration Bldg.

Red Bluff, CA 96080

Start: 6/8/2020

End: 6/26/2020

Waiver Renewal: Yes

Previous Waiver Number: 9-10-2018-W-12

Previous SBE Approval Date: 1/10/2019

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: *CCR*

Ed Code or *CCR* to Waive: This request by Red Bluff Union Elementary School District is to waive the *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: The RBUESD is requesting a waiver to allow the district to operate an Extended School Year program for 15 days in June 2020. The K-8 ESY will operate for 5.5 hours per day for 14 days rather than 4 hours per day for 20 days. Per the request of this program, the 5.5 hours per day will increase the number of instructional minutes for our ESY program and will align more closely to a regular school day for all grade levels.

Additionally, this schedule will attract highly qualified and trained classroom teachers and staff necessary to run this program.

Student Population: 279

City Type: Rural

Public Hearing Date: 10/8/2019

Public Hearing Advertised: Notice of public hearing at various school sites, and at the district office

Community Council Reviewed By: District Advisory Committee

Community Council Reviewed Date: 2/6/2020

Community Council Objection: No

Community Council Objection Explanation:

Local Board Approval Date: 10/8/2019

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Suzanne Adkins

Position: Director of Student Support

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

Telephone: 530-527-2700 x122

Fax: 530-527-9308

Bargaining Unit Date: 09/24/2019

Name: Red Bluff Elementary Educators Association

Representative: Catherine Pifferro

Title: President

Position: Support

Comments:

# Attachment 15: Waiver 12-1-2020 San Diego Office of Education

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3710371

Waiver Number: 12-1-2020

Active Year: 2020

Date In: 1/15/2020 4:05:20 PM

Local Education Agency: San Diego County Office of Education

Address: 6401 Linda Vista Rd.

Santa Barbara, CA 93106

Start: 6/1/2020

End: 6/30/2020

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: 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: Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages. The San Diego County Office of Education (SDCOE) AU for the South County SELPA proposes to provide ESY services for the Davila Day School (DDS) utilizing a 13-day schedule of 6 hours and 45 minutes per day, totaling 87 hours and 45 minutes of instruction. This waiver request is a renewal of waiver number 3-1-2019 which was approved on May 8th, 2019.The proposed ESY schedule will provide more hours of instruction than a 20-day ESY schedule. The DDS operates a year-round schedule with a six-week summer break. The SDCOE/South County SELPA states it is difficult for students and staff to attend a traditional 20-day ESY program because of the shortened summer break. Without the waiver, they will experience problems with staffing and attendance of students. The DDS states they will be able to address the regression and recoupment needs of identified students with a 13-day program. Demographic Information: The DDS has a student population of 37.

Student Population: 37

City Type: Urban

Public Hearing Date: 9/11/2019

Public Hearing Advertised: Information was posted at each district office. Agenda was posted with required posting timeline. Notices were sent home to each parent.

Local Board Approval Date: 9/11/2019

Community Council Reviewed By: San Diego South County SELPA Governing Council, CSEA, San Diego County Association of Educators

Community Council Reviewed Date: 9/11/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Russell Coronado

Position: Executive Director

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

Telephone: 619-470-5224

Bargaining Unit Date: 10/18/2019  
Name: California School Employees Association  
Representative: Keith Hildreth  
Title: President  
Phone: 858-292-3500  
Position: Support  
Comments:

Bargaining Unit Date: 09/06/2019  
Name: San Diego County Association of Educators  
Representative: Tammy Reina  
Title: President  
Phone: 858-292-3500  
Position: Support  
Comments:

# Attachment 16: Waiver 3-1-2020 Tulare Office of Education

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 5410546

Waiver Number: 3-1-2020

Active Year: 2020

Date In: 1/7/2020 7:46:27 AM

Local Education Agency: Tulare County Office of Education

Address: 6200 South Mooney Blvd.

Visalia, CA 93277

Start: 6/15/2020

End: 7/8/2020

Waiver Renewal: Yes

Previous Waiver Number: 13-10-2018-W-12

Previous SBE Approval Date: 1/9/2019

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: Title 5

Ed Code Authority: 33050

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

Outcome Rationale: Provide within 15 days of increased minutes, the time equal to the normally provided 20 days as required by *CCR*, Title 5, 3043 (d). Services are to be provided in a 15 day period, 315 minutes daily in order to align with district program operations, reduce travel time for students and program costs.

Student Population: 265

City Type: Rural

Public Hearing Date: 10/9/2019

Public Hearing Advertised: Posted at Tulare COE, District Offices, and on LEA website

Local Board Approval Date: 10/9/2019

Community Council Reviewed By: Tulare County Community Advisory Committee for Special Education

Community Council Reviewed Date: 2/6/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Sarah Hamilton

Position: Administrator

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

Telephone: 559-730-2910

Bargaining Unit Date: 01/06/2020  
Name: California School Employees Association  
Representative: Priscilla Elliott  
Title: Labor Relations Representative  
Position: Support  
Comments:

Bargaining Unit Date: 01/06/2020  
Name: California Teachers Association  
Representative: Shanon Akers  
Title: President  
Position: Support  
Comments:

# Attachment 17: Waiver 1-1-2020 Visalia Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 5472256

Waiver Number: 1-1-2020

Active Year: 2020

Date In: 1/2/2020 11:51:16 AM

Local Education Agency: Visalia Unified

Address: 5000 West Cypress Ave.

Visalia, CA 93277

Start: 6/1/2020

End: 6/1/2022

Waiver Renewal: Yes

Previous Waiver Number: 15-12-2017-W-13

Previous SBE Approval Date: 3/15/2018

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: 33050

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

Outcome Rationale: The Visalia Unified School District's Special Education Department is requesting a waiver to maintain our current provision of extended school year services (ESY - Summer School) for students in grades preschool through 12th grade who have disabilities and are eligible for ESY services. *California Code of Regulations*, Title 5 (5 *CCR*), Section 3043 requires the provision of a 20 day ESY program. In the past, VUSD provided a five week program running four days per week for four hours per day, for a total of 80 hours per summer session. For the past five ESY programs, under approved CDE waivers, VUSD has provided a four week program running four days per week for five hours per day, for a total of 80 hours per session. The programs were very successful for staff and for students and their families. For the 2020 ESY program, and for subsequent ESY programs, the district would like to continue providing the four week program. The instructional minutes of the proposed program would be equal to the instructional minutes of all prior years' programs. The purpose of this proposal is to allow all special education staff the opportunity to participate in staff development opportunities that occur in the summer, to provide flexibility to students and their families for summer planning, and to provide a more economical program with regards to transportation and facility costs.

Student Population: 29000

City Type: Urban

Public Hearing Date: 12/17/2019

Public Hearing Advertised: Agenda physically posted for the public and by email to all VUSD employees

Local Board Approval Date: 12/17/2019

Community Council Reviewed By: Visalia Unified School Board and VUSD Superintendents Cabinet

Community Council Reviewed Date: 12/17/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: No

Submitted by: Ms. Angela Dillon

Position: Director, Special Education

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

Telephone: 559-730-7581

Bargaining Unit Date: 12/16/2019  
Name: California School Employees Association  
Representative: Juan Barnett  
Title: Chapter President  
Position: Support  
Comments:

Bargaining Unit Date: 12/12/2019  
Name: Visalia Unified Teachers Association  
Representative: Greg Price  
Title: President  
Position: Support  
Comments: