

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education March 2021 Agenda Item #W-09

## Subject

Request by **eight local educational agencies** to waive *California Code of Regulations,* Title 5, Section 3043(d), which requires a minimum of 20 school days for an extended school year (summer school) for students with disabilities.

## Waiver Number

* Chico Unified School District 2-12-2020
* Chula Vista Elementary School District 2-10-2020
* Madera County Superintendent of Schools 6-12-2020
* National Elementary School District 10-12-2020
* Palm Springs Unified School District 3-11-2020
* San Marcos Unified School District 14-12-2020
* San Pasqual Valley Unified School District 2-11-2020
* Tulare County Office of Education 12-12-2020

## Type of Action

Action, Consent

## Summary of the Issue(s)

Eight 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

*California 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 eight 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

### Chico Unified School District (2-12-2020)

The Chico Unified School District (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. Parents, students, and staff support the longer more intense instructional minutes. Fewer ESY days will assist CUSD in the hiring of highly qualified special education teachers currently employed by the district.

Demographic Information: The CUSD has a student population of 11,900 and is located in a rural area in Butte County.

### Chula Vista Elementary School District (2-10-2020)

The Chula Vista Elementary School District (CVESD) proposes to provide ESY services utilizing a 15-day schedule of 5 hours and 25 minutes per day for kindergarten through sixth grade totaling 81 hours and 15 minutes of 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 30,000 and is located in an urban area in San Diego County.

### Madera County Superintendent of Schools (6-12-2020)

The Madera County Superintendent of Schools (MCSOS) proposes to provide ESY services utilizing a 15-day schedule of 5 hours and 30 minutes per day, totaling 82 hours and 30 minutes of program time. The proposed schedule will provide more program time than a 20-day ESY schedule. The longer ESY school day will better align with the regular school year providing more consistency in instruction for the students served. A shorter ESY schedule will also increase instructional staff’s interest in participating in the ESY program.

Demographic Information: The MCSOS has a student population of 410 and is located in a small city in Madera County.

### National Elementary School District (10-12-2020)

The National Elementary School District (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 proposed schedule will allow the NESD to meet the needs of students more effectively as the longer school day aligns closer to the regular school year schedule. Fewer ESY days will allow them to hire experienced staff.

Demographic Information: The NESD has a student population of 4,827 and is located in an urban area in San Diego County.

### Palm Springs Unified School District (3-11-2020)

The Palm Springs Unified School District (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. This schedule will better align the with the general education summer school program which may provide more opportunities for students with disabilities to interact with their non-disabled peers. The shortened ESY schedule will help increase average daily attendance as attendance typically declines significantly the fourth week of the program, and will also help the PSUSD to hire qualified program staff.

Demographic Information: The PSUSD has a student population of 22,439 and is located in a small city in Riverside County.

### San Marcos Unified School District (14-12-2020)

The San Marcos Unified School District (SMUSD) proposes to provide ESY services utilizing a 16-day schedule of 5 hours per day totaling 80 hours of program time. The proposed schedule will provide the same amount of program time as a 20-day ESY schedule. The SMUSD believes this ESY schedule will increase their ability to hire highly-qualified classroom teachers and staff that work with students during the regular school year, and will help to improve student attendance and quality instruction time.

Demographic Information: The SMUSD has a student population 22,057 and is located in an urban area in San Diego County.

### San Pasqual Valley Unified School District (2-11-2020)

The San Pasqual Valley Unified School District (SPVUSD) proposes to provide ESY services utilizing a 15-day schedule of 5 hours and 30 minutes per day, totaling 82 hours and 30 minutes of program time. The proposed schedule will provide more program time than a 20-day ESY schedule. 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.

Demographic Information: The SPVUSD has a student population of 615 and is located in a rural area in Imperial County.

### Tulare County Office of Education (12-12-2020)

The Tulare County Office of Education (TCOE) proposes to provide ESY services utilizing a 15-day schedule of 5 hours and 4 minutes per day, totaling 76 hours of program time. The proposed ESY period includes the 4th of July holiday, and will provide the same amount of program time as a traditional ESY schedule which includes the holiday. The proposed schedule will allow the TCOE to align all of their districts’ ESY programs to the same schedule, and will reduce travel time for students who are on buses during the heat of the summer.

Demographic Information: The TCOE has a student population of 3,159 and is located in a rural area in Tulare County.

**Because these are general waivers, if the SBE decides to deny the waivers, it must cite one of the seven reasons in *EC* 33051(a), available on the California Legislation Information Web page at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=33051.&lawCode=EDC>.

## Summary of Previous State Board of Education Discussion and Action

In the past, the SBE approved waivers to allow school districts to provide the required minimum amount of instruction in fewer days during the ESY for students with disabilities.

ESY is the term for the education of students with disabilities “between the close of one academic year and the beginning of the next,” similar to a summer school. The ESY must be provided for each student with a disability whose IEP requires it. LEAs may request a waiver to provide an ESY program for fewer days than the traditional mode.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval. However, in order for an LEA to qualify for average daily attendance (ADA) revenues for extended year pupils, LEAs must comply with the ADA requirements in *CCR*, Title 5, Section 3043(f).

## Attachment(s)

* **Attachment 1:** Summary Table (6 pages)
* **Attachment 2:** Chico Unified School District General Waiver Request   
  2-12-2020 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Chula Vista Elementary School District General Waiver Request 2-10-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:**  Madera County Superintendent of Schools General Waiver Request 6-12-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** National Elementary School District General Waiver Request

10-12-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 6:** Palm Springs Unified School District General Waiver Request

3-11-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 7:** San Marcos Unified School District General Waiver Request

14-12-2020 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 8:** San Pasqual Valley Unified School District General Waiver Request 2-11-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 9:** Tulare County Office of Education General Waiver Request

12-12-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

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

| Waiver Number | District | Period of Request | District’s Request | CDE Recommended | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 2-12-2020 | Chico Unified School District | **Requested:**  June 14, 2021, to July 2, 2021  **Recommended:**  June 14, 2021, to July 2, 2021 | 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 11/4/2020 Support  Chico Unified Teachers Association, Kevin Moretti, President 11/4/2020 Support | **Local Board:**  1/20/2021  **Public Hearing:**  1/20/2021 | The LEA may not provide a 15-day ESY program |
| 2-10-2020 | Chula Vista Elementary School District | **Requested:**  June 21, 2021, to July 12, 2021  **Recommended:**  June 21, 2021, to July 12, 2021 | 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 | Chula Vista Educators,  Susan Skala, President 9/26/2020 Support | 10/14/2020 | The LEA may not provide a 15-day ESY program |
| 6-12-2020 | Madera County Superintendent of Schools (MCSOS) | **Requested:**  June 7, 2021, to July 2, 2021  **Recommended:**  June 7, 2021, to July 2, 2021 | 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, Chapter 7,  Kellie Stiles, Chapter President/ Health Aide  10/30/2020  Support  MCSOS Teachers Association, Teresa Corchado, Special Education Teacher  10/29/2020  Support | 11/10/2020 | The LEA may not provide a 15-day  ESY program |
| 10-12-2020 | National Elementary School District | **Requested:**  June 14, 2021, to July 2, 2021  **Recommended:**  June 14, 2021, to July 2, 2021 | 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 City Elementary Teachers Association,  Irma Sanchez, Negotiations Chairperson 11/16/2020  Support | 11/18/2020 | The LEA may not provide a 15-day ESY program |
| 3-11-2020 | Palm Springs Unified School District | **Requested:**  June 7, 2021, to July 2, 2021  **Recommended:**  June 7, 2021, to July 2, 2021 | 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 Teacher’s Association, Karen Johnson, President 9/11/2020  Support  Teamsters, Gregorio Daniel, President  9/15/2020  Support | 11/10/2020 | The LEA may not provide a 15-day ESY program |
| 14-12-2020 | San Marcos Unified School District | **Requested:**  June 28, 2021, to July 23, 2021  **Recommended:**  June 28, 2021, to July 23, 2021 | 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, Yvonne Brett,  President  12/10/2020  Support  San Marcos Educators Association, Michael DeVries, President  12/17/2020  Neutral | **Local Board:**  9/4/2020  **Public Hearing:**  10/20/2020 | The LEA may not provide a 16-day ESY program |
| 2-11-2020 | San Pasqual Valley Unified School District | **Requested:**  June 7, 2021, to June 25, 2021  **Recommended:**  June 7, 2021, to June 25, 2021 | 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, Jennifer Wallace, President 11/10/2020  Neutral | 11/10/2020 | The LEA may not provide a 15-day ESY program |
| 12-12-2020 | Tulare County Office of Education | **Requested:**  June 14, 2021, to July 7, 2021  **Recommended:**  June 14, 2021, to July 7, 2021 | 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 Teachers Association, Shannon  Akers-Cox,  President  12/1/2020  Support | 11/13/2020 | The LEA may not provide a 15-day ESY program |

Created by the California Department of Education

January 2021

# Attachment 2: Chico Unified School District General Waiver Request 2-12-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 0461424

Waiver Number: 2-12-2020

Active Year: 2020

Date In: 12/2/2020 9:48:51 AM

Local Education Agency: Chico Unified

Address: 1163 East Seventh St.

Chico, CA 95928

Start: 6/14/2021

End: 7/2/2021

Waiver Renewal: Y

Previous Waiver Number: 8-2-2020-W-05

Previous SBE Approval Date: 5/7/2020

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 5 *CCR* 3043

Ed Code Authority: 33050

Ed Code or *CCR* to Waive: 3043 Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil’s educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection (f).

(a) Extended year special education and related services shall be provided by a school district, special education local plan area, or county office offering programs during the regular academic year.

(b) Individuals with exceptional needs who may require an extended school year are those who: (1) Are placed in special classes or centers; or (2) Are individuals with exceptional needs whose individualized education programs specify an extended year program as determined by the individualized education program team.

(c) The term “extended year” as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term “academic year” as used in this section means that portion of the school year during which the regular day school is maintained, which period must include not less than the number of days required to entitle the district, special education services region, or county office to 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: 11900

City Type: Rural

Public Hearing Date: 1/20/2021

Public Hearing Advertised:

Local Board Approval Date: 11/18/2020

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 11/16/2020

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Diane Olsen

Position: Director

E-mail: [dolsen@chicousd.org](mailto:dolsen@chicousd.org)

Telephone: 530-891-3000 x20135

Fax: 530-891-3011

Bargaining Unit Date: 11/04/2020

Name: CSEA - California School Employees Assn.

Representative: Lori Sullivan

Title: President

Phone: 530-891-3000

Position: Support

Comments:

Bargaining Unit Date: 11/04/2020

Name: CUTA - Chico Unified Teachers Association

Representative: Kevin Moretti

Title: President

Phone: 530-891-3026

Position: Support

Comments:

# Attachment 3: Chula Vista Elementary School District General Waiver Request 2-10-2020

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768023

Waiver Number: 2-10-2020

Active Year: 2020

Date In: 10/16/2020 1:16:07 PM

Local Education Agency: Chula Vista Elementary

Address: 84 East J St.

Chula Vista, CA 91910

Start: 6/21/2021

End: 7/12/2021

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: *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 21, 2021 – July 12, 2021 (July 5th District holiday); 5 hours and 25 minutes/day (81 hours). PreK will be June 21, 2021- July 12, 2021 (July 5th District holiday); 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: 4500

City Type: Urban

Public Hearing Date: 10/14/2020

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

Local Board Approval Date: 10/14/2020

Community Council Reviewed By: Special Education Advisory Committee of School Psychologist

Community Council Reviewed Date: 9/17/2020

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Sharon Casey

Position: Executive Director

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

Telephone: 619-425-9600 x1701

Fax:

Bargaining Unit Date: 09/26/2020

Name: Chula Vista Educatiors

Representative: Susan Skala

Title: President CVE

Phone: 619-425-9600

Position: Support

Comments:

# Attachment 4: Madera County Superintendent of Schools General Waiver Request 6-12-2020

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2010207

Waiver Number: 6-12-2020

Active Year: 2020

Date In: 12/9/2020 10:30:12 AM

Local Education Agency: Madera County Superintendent of Schools

Address: 1105 South Madera Ave.

Madera, CA 93637

Start: 6/7/2021

End: 7/2/2021

Waiver Renewal: Y

Previous Waiver Number: 3-11-2019-W-10

Previous SBE Approval Date: 4/21/2019

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.

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 14, 2021 through July 2, 202. In eastern Madera County, ESY would be conducted June 14, 2021 through July 2, 2021. In the Chowchilla area, ESY would be conducted June 7, 2021 through June 25, 2021.

Student Population: 410

City Type: Small

Public Hearing Date: 11/10/2020

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

Local Board Approval Date: 11/10/2020

Community Council Reviewed By: Gould Educational Center

Community Council Reviewed Date: 11/2/2020

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Jessica Drake

Position: Executive Director, Student Programs & Services

E-mail: [jdrake@mcsos.org](mailto:jdrake@mcsos.org)

Telephone: 559-662-4669

Fax: 559-674-7468

Bargaining Unit Date: 10/30/2020

Name: California School Employees Association, Chapter 7

Representative: Kellie Stiles

Title: Chapter President/Health Aide

Phone: 559-662-4841

Position: Support

Comments:

Bargaining Unit Date: 10/29/2020

Name: Madera County Superintendent of Schools Teachers A

Representative: Theresa Corchado

Title: Special Education Teacher

Phone: (559)664-8110 x 1506

Position: Support

Comments:

# Attachment 5: National Elementary School District General Waiver Request 10-12-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3768221

Waiver Number: 10-12-2020

Active Year: 2020

Date In: 12/1/2020 10:22:47 AM

Local Education Agency: National Elementary

Address: 1500 N Ave.

National City, CA 91950

Start: 6/14/2021

End: 7/2/2021

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: 33050

Ed 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 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 academic, social-emotional, and functional needs of students over a 15 day, 5.5 hours day model more effectively than with the 20 hour, 4 hours per day model. The District would like to have the 20 day requirement waived due to the shortage of experienced staff and the longer day would maintain a more regular schedule for students which is more closely aligned to their regular year instructional day. The time would be shifted to elongate the day, but would meet the overall instructional time requirement needed to ensure educational benefit and continuity of programming.

Student Population: 4827

City Type: Urban

Public Hearing Date: 11/18/2020

Public Hearing Advertised: Email and District website

Local Board Approval Date: 11/18/2020

Community Council Reviewed By: South County Special Education Local Plan Area Community Advisory Committee

Community Council Reviewed Date: 11/12/2020

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Janna Piper

Position: Director, Student Support Services

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

Telephone: 619-336-7748

Fax: 619-336-7551

Bargaining Unit Date: 11/16/2020

Name: National City Elementary Teacher's Association

Representative: Irma Sanchez

Title: Negotiations Chairperson

Phone: 619-336-8200

Position: Support

Comments:

# Attachment 6: Palm Springs Unified School District General Waiver Request 3-11-2020

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3367173

Waiver Number: 3-11-2020

Active Year: 2020

Date In: 11/16/2020 12:39:43 PM

Local Education Agency: Palm Springs Unified

Address: 150 District Center Dr.

Palm Springs, CA 92264

Start: 6/7/2021

End: 7/2/2021

Waiver Renewal: Y

Previous Waiver Number: 2-12-2019

Previous SBE Approval Date: 3/12/2020

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: As PSUSD increases summer program offerings for general education students, the Special Education Department is proposing to continue providing 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 allow the District to continue to provide the following benefits to students: 1. Increase average daily attendance during Extended School Year, as attendance typically declined significantly the fourth week of Extended School Year. 2. Compliance with section 300.106 of the Individual with Disabilities Education Act by aligning the Extended School Year day/term with that of general education peers attending summer school. Align the Extended School Year 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 term to three weeks and aligning the schedule to general education resulted in an increased number of teacher applications to teach during the Extended School Year program.

Student Population: 2674

City Type: Small

Public Hearing Date: 11/10/2020

Public Hearing Advertised: Notice of Hearing was posted to the homepage of the PSUSD website, the PSUSD Facebook page, and the PSUSD Twitter page

Local Board Approval Date: 11/10/2020

Community Council Reviewed By: Special Education Parent Advisory Committee

Community Council Reviewed Date: 9/11/2020

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Dr. Victoria Parkinson

Position: Director of Special Education

E-mail: [vparkinson@psusd.us](mailto:vparkinson@psusd.us)

Telephone: 760-883-2703 x5014

Fax: 760-325-8730

Bargaining Unit Date: 09/11/2020

Name: Palm Springs Teacher's Association

Representative: Karen Johnson

Title: President

Phone: 760-844-0611

Position: Support

Comments:

Bargaining Unit Date: 09/15/2020

Name: Teamsters

Representative: Gregorio Daniel

Title: President

Phone: 562-595-4518

Position: Support

Comments:

# Attachment 7: San Marcos Unified School District General Waiver Request 14-12-2020

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3773791

Waiver Number: 14-12-2020

Active Year: 2020

Date In: 12/18/2020 10:46:42 AM

Local Education Agency: San Marcos Unified

Address: 255 Pico Ave., Ste. 250

San Marcos, CA 92069

Start: 6/28/2021

End: 7/23/2021

Waiver Renewal: Y

Previous Waiver Number: 2-12-17-W-13

Previous SBE Approval Date: 1/8/2020

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: San Marcos Unified School District believes the proposed model will:

Continue to increase the participation of highly qualified and trained classroom teachers and staff who work with students during the school year will apply to work during ESY.

Help facilitate cost-effective services within classrooms and reduce related costs for transportation, electricity, custodial services, food services, administration, etc.

Increase eligible student attendance

Improve overall daily attendance of students during ESY

This waiver would increase instruction time per day thereby limiting the impact on instructional minutes caused by student transit time from bus to classroom.

For the purposes of reimbursement for average daily attendance, an ESY program:

Must provide instruction of at least as many minutes over the shorter period as would have been provided during a typical 20-day program;

Must be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age level unless otherwise specified in the individualized education program to meet a pupil’s unique needs; and

Must offer special education and related services during the extended school year period that are comparable in standards, scope, and quality to the special education program offered during the regular academic year.

Student Population: 22057

City Type: Urban

Public Hearing Date: 10/20/2020

Public Hearing Advertised: District Web Site

Local Board Approval Date: 9/4/2020

Community Council Reviewed By: ESY Advisory Committee-by phone

Community Council Reviewed Date: 9/4/2020

Community Council Objection: Y

Community Council Objection Explanation: No objections. General preference for a 5 day per week by 9 of the 33 parents.

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Lori Cummins

Position: Director of Special Education

E-mail: [lori.cummins@smusd.org](mailto:lori.cummins@smusd.org)

Telephone: 760-752-1223

Fax:

Bargaining Unit Date: 12/10/2020

Name: CSEA

Representative: Yvonne Brett

Title: President

Phone: 760290-2230

Position: Support

Comments:

Bargaining Unit Date: 12/17/2020

Name: SMEA

Representative: Michael DeVries

Title: President

Phone: 760-290-1294

Position: Neutral

Comments:

# Attachment 8: San Pasqual Valley Unified School District General Waiver Request 2-11-2020

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1363214

Waiver Number: 2-11-2020

Active Year: 2020

Date In: 11/13/2020 8:43:27 AM

Local Education Agency: San Pasqual Valley Unified

Address: 676 Base Line Rd.

Winterhaven, CA 92283

Start: 6/7/2021

End: 6/25/2021

Waiver Renewal: Y

Previous Waiver Number: 4-11-2019

Previous SBE Approval Date: 3/11/2020

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: *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: 615

City Type: Rural

Public Hearing Date: 11/10/2020

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

Local Board Approval Date: 11/10/2020

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

Community Council Reviewed Date: 11/10/2020

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Dr. Thien Hoang

Position: Director of Special Education

E-mail: [thoang@spvusd.org](mailto:thoang@spvusd.org)

Telephone: 760-572-0222 x2498

Fax:

Bargaining Unit Date: 11/10/2020

Name: San Pasqual Teachers Association

Representative: Jennifer Wallace

Title: President

Phone: (760) 572-0222

Position: Neutral

Comments:

# Attachment 9: Tulare County Office of Education General Waiver Request 12-12-2020

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 5410546

Waiver Number: 12-12-2020

Active Year: 2020

Date In: 12/16/2020 12:10:29 PM

Local Education Agency: Tulare County Office of Education

Address: 6200 South Mooney Blvd.

Visalia, CA 93277

Start: 6/14/2021

End: 7/7/2021

Waiver Renewal: Y

Previous Waiver Number: 3-1-2020-W-05

Previous SBE Approval Date: 5/7/2020

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: We are requesting the number of days be reduced from 20 to 15, but the number of instructional minutes will remain the same.

3043 (d)

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

Outcome Rationale: There are many school districts in our SELPA, each with different school calendars. Adjusting to 15 days allows us to align all programs to the same ESY calendar.

Some districts do not allow air condition to run on Fridays in their classrooms so we cannot have staff or students present on those days.

Reducing to 15 days minimizes the amount of time students are on buses during the heat of the summer.

Students would attend for 15 days with an increase in the daily instructional minutes, to match what would have been provided during the 20 day session. 4560 instructional minutes over 15 days.

Student Population: 1050

City Type: Rural

Public Hearing Date: 11/15/2020

Public Hearing Advertised: District website, school sites

Local Board Approval Date: 11/15/2020

Community Council Reviewed By: Tulare County Community Advisory Committee

Community Council Reviewed Date: 10/1/2020

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Sarah Hamilton

Position: Administrator

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

Telephone: 559-730-2910 x5128

Fax:

Bargaining Unit Date: 12/01/2020

Name: California Teachers Association (CTA)

Representative: Shannon Akers-Cox

Title: President

Phone: 559-740-4321

Position: Support

Comments: