

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

Extended School Year

# California State Board of Education July 2018 Agenda Item #W-18

## Subject

Request by 12 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 15-3-2018
* Covina-Valley Unified School District 39-3-2018
* El Centro Elementary School District 20-3-2018
* Gateway Unified School District 4-3-2018
* Kings County Office of Education 14-3-2018
* Madera County Superintendent of Schools 28-2-2018
* Mariposa County Office of Education 16-3-2018
* Millbrae Elementary School District 10-3-2018
* National Elementary School District 11-3-2018
* Shasta County Office of Education 40-3-2018
* Shasta Union High School District 33-3-2018
* Sweetwater Union High School District 28-3-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

Twelve local educational agencies (LEAs) request to be allowed 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.

## Authority for Waiver

*Education Code (EC)* Section 33050

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

The California Department of Education recommends that the State Board of Education (SBE) approve the request from 12 LEAs to provide ESY services for fewer than 20 days with the condition that instructional hours are consistent with those provided to the general education enrollment at the same grade level unless an individualized education program (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

The Chico Unified School District (CUSD) is proposing to provide ESY utilizing a 15-day schedule of 5.5 hours per day, totaling 82.5 hours of instruction. Parents, students, and staff support the shortened ESY schedule, and fewer ESY days will result in substantial savings in transportation, utilities, food services, janitorial, administration, and clerical costs. This schedule will also help the CUSD to hire highly qualified special education teachers currently employed by the district.

Demographic Information: The CUSD has a district student population of 12,262 and is located in a rural area in Butte County.

### Covina-Valley Unified School District

The Covina-Valley Unified School District (CVUSD) proposes to provide ESY services for Kindergarten through eighth grade students utilizing a 15-day model of 5.5 hours of instruction per day, totaling 82.5 hours of instruction. This shortened ESY period will allow students with disabilities to be able to participate in Opportunities for Learning and Summer Enrichment classes with their typically developing peers. Fewer ESY days will reduce expenditures in transportation, utilities, custodial, and overall staff costs. The proposed ESY program for high school students aligns with the high school summer school sessions.

Demographic Information: The CVUSD has a district student population of 11,838 and is located in a suburban area in Los Angeles County.

### El Centro Elementary School District

The El Centro Elementary School District (ECESD) is proposing to provide ESY utilizing a 16-day schedule with 4.75 hours per day, 4 days per week, delivered over a period of 4 weeks from June 12 through July 6, 2018. The proposed 16-day schedule would provide 76 hours of instruction. This equals the hours of instruction delivered in a traditional 20-day ESY model, less four hours allowed for the Fourth of July holiday. The ECESD explains that the shortened ESY schedule will allow for better alignment with the ECESD’s summer hours of operation; save costs related to facility use, transportation, and utilities. The ECESD also asserts that modifying the ESY schedule to four days with extended daily time will maximize student learning, and lessen the typical drops in attendance during the final week of the program.

Demographic Information: The ECESD has a district student population of 6,145 and is located in a rural area in Imperial County.

### Gateway Unified School District

The Gateway Unified School District (GUSD) is proposing to provide ESY utilizing a 15-day schedule of 5 hours and 20 minutes each day, totaling 80 hours of instruction. The proposed 15-day schedule will provide ESY services to students with disabilities from preschool to high school. The GUSD serves a large geographical region that requires long bus rides for students, many of whom are medically fragile. The proposed ESY schedule with longer school days will better accommodate the many students who require Designated Instructional Services. A decreased number of school days will facilitate cost effective services within the classrooms, and reduce costs for transportation, electricity, and custodial services.

Demographic Information: The GUSD has a district student population of 2,439 and is located in a rural area in Shasta County.

### Kings County Office of Education

The Kings County Office of Education (KCOE) is proposing to provide ESY utilizing a 16-day schedule of 5 hours of instruction per day, totaling 80 hours of instruction. This schedule will allow opportunities for school facility improvements, family vacation time, and significant cost savings in transportation, energy usage, janitorial, and other costs associated with running the program. The shorter schedule also provides teaching staff with additional time to pursue professional development, higher education goals, and time to re-energize and prepare for the next school year.

Demographic Information: The KCOE has a county office student population of 349 and is located in a rural area in Kings County.

### Madera County Superintendent of Schools

The Madera County Superintendent of Schools (MCSS) is proposing to provide ESY utilizing a 15-day schedule of 5.75 hours per day, totaling 82.5 hours of instruction. Because a change in routine is often difficult for students with moderate to severe disabilities, the longer school day for ESY will better align with the regular school year day providing more consistency in instruction for the students served. The proposed ESY schedule will result in substantial savings in transportation, utilities, janitorial, food services and other operational costs. A shortened schedule will also increase instructional staff interest in participating in the ESY program.

The ESY program located at MCSS will be conducted June 11–29, 2018, and ESY programs located in eastern Madera County will be conducted June 18–July 6, 2018.

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

### Mariposa County Office of Education

The Mariposa County Office of Education (MCOE) is proposing to provide ESY utilizing a 15-day schedule of 6 hours and 15 minutes per day, totaling 93.75 hours of instruction. The 15-day schedule will provide more instructional time than the standard 20-day schedule, and the longer ESY school day will align better with a typical school day that most students are familiar with. The 15-day ESY schedule will also facilitate reduced costs for transportation, food service, electricity, and custodial services.

Demographic Information: The MCOE has a county office student population of 51 and is located in a rural area in Mariposa County.

### Millbrae Elementary School District

The Millbrae Elementary School District (MESD) is proposing to provide ESY services utilizing a 19-day schedule of 4.25 hours per day, delivered over 4 weeks, totaling 80.75 hours of instruction. The MESD asserts that the proposed 19-day ESY schedule will improve attendance as compared to having to offer one day of instruction in the fifth week which has been poorly attended by both students and staff in the past. The MESD feels a shorter ESY schedule will promote the recruitment of ESY staff, provide more concentrated instructional time for students, with fewer transitions, and produce fiscal savings.

Demographic Information: The MESD has a district student population of 2,427 and is located in a suburban area in San Mateo County.

### National Elementary School District

The National Elementary School District (NESD) is proposing to provide ESY utilizing a 15-day schedule of 5 hours and 21 minutes each day, totaling 80.25 hours of instruction. The proposed ESY schedule will allow the NESD to provide continuity for delivery of instruction, maintain educational benefit, and provide a learning environment that addresses regression and recoupment of identified students with disabilities. In addition, it will allow students to maintain their schedules associated with designated service providers.

The traditional 20-day ESY schedule does not allow NESD staff to have an extended summer break due to the alignment of calendars within the county, making it difficult to recruit ESY staff. The proposed schedule will facilitate the recruitment of ESY staff, and reduce costs for transportation, electricity, and custodial services.

Demographic Information: The NESD has a district student population of 5,411 and is located in an urban area in San Diego County.

### Shasta County Office of Education

The Shasta County Office of Education (SCOE) proposes to provide ESY services utilizing a 15-day model of 5.5 hours per day, totaling 82.5 hours of instruction. Fewer ESY days will reduce the amount of travel time for students and operational costs for school districts. The reduced ESY days will also align with other regional program operations providing intensive support over fewer days.

Demographic Information: The SCOE has a county office student population of 604 and is located in a rural area in Shasta County.

### Shasta Union High School District

The Shasta Union High School District (SUHSD) proposes to provide ESY services utilizing a 15-day model of 5.5 hours of instruction per day, totaling 82.5 hours of instruction. The SUHSD is located in Redding, California where the temperatures can easily reach triple digits. Fewer ESY days will reduce exposure to high summer time temperatures for medically fragile students. The SUHSD states that the reduced ESY days will also give staff an increased amount of vacation time given the ESY staff are the same staff that work with ESY students during the regular school year.

Demographic Information: The SUHSD has a district student population of 4,400 and is located in an rural area in Shasta County.

### Sweetwater Union High School District

The Sweetwater Union High School District (SUHSD) is proposing to provide ESY utilizing a 15-day schedule of 5.5 hours per day. The proposed program will be delivered over a 3-week period, totaling 82.5 hours of instruction.

The SUHSD operates on a year-round schedule with a 6-week summer break. The SUHSD asserts that due to its relatively short summer break, families and staff have difficulty committing to a four-week ESY program. The SUHSD asserts that operating ESY under the same three-week model as the general education summer school program will maximize attendance and staffing options. The SUHSD also asserts that it has learned from neighboring districts that a longer school day provides greater opportunities for instructional impact.

Demographic Information: The SUHSD has a district student population of 40,000 and is located in an urban area in San Diego County.

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

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

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

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

## Fiscal Analysis (as appropriate)

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

## Attachment(s)

* **Attachment 1:** Summary Table (8 pages)
* **Attachment 2:** Chico Unified School District General Waiver Request

15-3-2018 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 3:** Covina-Valley Unified School District General Waiver Request

39-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 4:**  El Centro Elementary School District General Waiver Request 20-3-2018 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Gateway Unified School District General Waiver Request

4-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 6:** Kings County Office of Education General Waiver Request

14-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 7:** Madera County Superintendent of Schools General Waiver Request 28-2-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 8:** Mariposa County Office of Education General Waiver Request

16-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 9:** Millbrae Elementary School District General Waiver Request

10-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 10:** National Elementary School District General Waiver Request

11-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 11:** Shasta County Office of Education General Waiver Request

40-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 12:** Shasta Union High School District General Waiver Request

33-3-2018 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 13:** Sweetwater Union High School District General Waiver Request 28-3-2018 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 41402

| Waiver Number | District | Period of Request | District’s Request | CDE Recommended | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 15-3-2018 | Chico Unified School District | **Requested:**  June 11, 2018, to June 29, 2018  **Recommended:**  June 11, 2018, to June 29, 2018 | 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 | Chico Unified Teachers Association,  Kevin Moretti  President  3/12/2018  Support  California School Employees Association,  Aaron Smith  President  3/12/2018  Support | Local Board  1/17/2018  Public Hearing  3/9/2018 | The LEA may not provide a 15-day ESY program |
| 39-3-2018 | Covina Valley Unified School District | **Requested:**  June 11, 2018, to June 29, 2018  **Recommended:**  June 11, 2018, to June 29, 2018 | 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 | Covina Unified Education Association,  Sita Rampershad  President  2/23/2018  Support | 3/5/2018 | The LEA may not provide a 15-day ESY program |
| 20-3-2018 | El Centro Elementary School District | **Requested:**  June 12, 2018, to July 6, 2018  **Recommended:**  June 12, 2018, to July 6, 2018 | 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 | El Centro Elementary School District Teacher Association,  Shealynn Smith Barker  President  2/27/2018  Support | 3/13/2018 | The LEA may not provide a 16-day  ESY program |
| 4-3-2018 | Gateway Unified School District | **Requested:**  June 11, 2018, to June 29, 2018  **Recommended:**  June 11, 2018, to June 29, 2018 | 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 | Gateway Teacher Association,  Matt Hunsaker  President  9/27/2017  Support | 10/4/2017 | The LEA may not provide a 15-day ESY program |
| 14-3-2018 | Kings County Office of Education | **Requested:**  June 1, 2018, to June 30, 2018  **Recommended:**  June 1, 2018, to June 30, 2018 | 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, Rebekah Thompson  President  11/30/2017  Support | 2/7/2018 | The LEA may not provide a 16-day ESY program |
| 28-2-2018 | Madera County Superinten-dent of Schools (MCSS) | **Requested:**  June 1, 2018, to July 13, 2018  **Recommended:**  June 1, 2018, to July 13, 2018 | To provide 15-day ESY programs instead of 20-day ESY programs | 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 713 Shelly Clancy  President  12/15/2017  Neutral  Madera County Office of Education Teachers Association,  Tanya Hill  Member Representative  12/15/2017  Neutral | 2/13/2018 | The LEA may not provide a 15-day ESY program |
| 16-3-2018 | Mariposa County Office of Education | **Requested:**  June 11, 2018, to June 29, 2018  **Recommended:**  June 11, 2018, to June 29, 2018 | 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 | Mariposa California School Employees’ Association, Tammi Richards  President  2/9/2018  Support  Mariposa California Teachers’ Association,  Alex Keeton  President  2/9/2018  Support | 3/8/2018 | The LEA may not provide a 15-day ESY program |
| 10-3-2018 | Millbrae Elementary School District | **Requested:**  June 25, 2018, to July 20, 2018  **Recommended:**  June 25, 2018, to July 20, 2018 | To provide a 19-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  19-day ESY program instead of a 20-day ESY program | Millbrae Teachers’ Association, Matthew Garrett  President  2/8/2018  Support | 2/20/2018 | The LEA may not provide a 19-day ESY program |
| 11-3-2018 | National Elementary School District | **Requested:**  June 11, 2018, to June 29, 2018  **Recommended:**  June 11, 2018, to June 29, 2018 | 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  Special Education Unit Representative  1/9/2018  Support | 2/14/2018 | The LEA may not provide a 15-day ESY program |
| 40-3-2018 | Shasta County Office of Education | **Requested:**  June 11, 2018, to June 29, 2018  **Recommended:**  June 11, 2018, to June 29, 2018 | 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 | Child Development Educators Association,  Brian Woodward  President  1/27/2018  Support  Classified School Employees Association,  Debbie Stewart  President  1/27/2018  Support  Shasta Certificated Teachers Association,  Karin Lindsey  President  1/27/2018  Neutral | 3/14/2018 | The LEA may not provide a 15-day ESY program |
| 33-3-2018 | Shasta Union High School District | **Requested:**  June 11, 2018, to June 29, 2018  **Recommended:**  June 11, 2018, to June 29, 2018 | 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 | Shasta Secondary Education Association, Gary Connolly President  2/21/2018 Support | Local Board  3/13/2018  Public Hearing  2/21/2018 | The LEA may not provide a 15-day ESY program |
| 28-3-2018 | Sweetwater Union High School District | **Requested:**  June 11, 2018, to June 29, 2018  **Recommended:**  June 11, 2018, to June 29, 2018 | 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 Employee Organization, Kimberly Castillo  President  2/13/2018  Support  Sweetwater Education Association,  Eugene Chavira  President  2/13/2018  Support | 3/12/2018 | The LEA may not provide a 15-day ESY program |

Created by the California Department of Education

April 2018

# Attachment 2: Waiver 15-3-2018 Chico Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 0461424

Waiver Number: 15-3-2018

Active Year: 2018

Date In: 3/13/2018 9:47:56 AM

Local Education Agency: Chico Unified School District

Address: 1163 East Seventh St.

Chico, CA 95928

Start: 6/11/2018

End: 6/29/2018

Waiver Renewal: Yes

Previous Waiver Number: 11-1-2017-W-14

Previous SBE Approval Date: 5/11/2017

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 five and a half 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 districts, and will also assist the CUSD to hire highly qualified special education teachers recurrently employed by the district.

Student Population: 12262

City Type: Rural

Public Hearing Date: 3/9/2018

Public Hearing Advertised: Posted online and at Office of Education

Local Board Approval Date: 1/17/2018

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

Community Council Reviewed Date: 3/9/2018

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\2018\July%20SBE%20Meeting\dolsen@chicousd.org)

Telephone: 530-891-3000 x138

Fax: 530-890-3011

Bargaining Unit Date: 03/12/2018

Name: CUTA - Chico Unified Teachers Association

Representative: Kevin Moretti

Title: President

Position: Support

Bargaining Unit Date: 03/12/2018

Name: CSEA - California School Employee Association

Representative: Aaron Smith

Title: President

Position: Support

# Attachment 3: Waiver 39-3-2018 Covina-Valley Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1964436

Waiver Number: 39-3-2018

Active Year: 2018

Date In: 3/28/2018 12:05:12 AM

Local Education Agency: Covina-Valley Unified School District

Address: 519 East Badillo St.

Covina, CA 91723

Start: 6/11/2018

End: 6/29/2018

Waiver Renewal: Yes

Previous Waiver Number: 15-11-2016-W-11

Previous SBE Approval Date: 3/9/2017

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] 15 instructional days, including holidays. (Change 20 to 15)

Outcome Rationale: This is a renewal waiver request to shorten ESY instructional days for K-8th grades from a 20 day to a 15-day model. The 15 day model increases the daily ESY hours from 4.25 to 5.5 hours which will increase the total ESY instructional hours from 80.75 to 82.5. This shortened ESY period will also allow special education students to be able to participate in Opportunities for Learning and Summer Enrichment classes with their peers. In addition the 15 day ESY will cut expenditures for the district on transportation, custodial, electricity, and overall staff costs. 9th-12 grade ESY will continue to be held on the same schedule as the high school summer school sessions.

Student Population: 11828

City Type: Suburban

Public Hearing Date: 3/5/2018

Public Hearing Advertised: District Website, school sites,

Local Board Approval Date: 3/5/2018

Community Council Reviewed By: District Advisory Board

Community Council Reviewed Date: 3/5/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Lisabeth Pina

Position: Director Student Services

E-mail: [lpina@c-vusd.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2018\July%20SBE%20Meeting\lpina@c-vusd.org)

Telephone: 626-974-7000 x800094

Fax: 626-974-7060

Bargaining Unit Date: 02/23/2018

Name: Covina Unified Education Association (CUEA)

Representative: Sita Rampershad

Title: President

Position: Support

# Attachment 4: Waiver 20-3-2018 El Centro Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1363123

Waiver Number: 20-3-2018

Active Year: 2018

Date In: 3/15/2018 4:30:57 PM

Local Education Agency: El Centro Elementary School District

Address: 1256 Broadway

El Centro, CA 92243

Start: 6/12/2018

End: 7/6/2018

Waiver Renewal: Yes

Previous Waiver Number: 13-3-2017-W015

Previous SBE Approval Date: 7/18/2017

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) 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 16 day Extended School Year program at 4.75 hours per day (4.75 hours x 16 days = 76 hours). The proposed dates are June 12, 2018 through July 6, 2018. The proposed 16 day schedule contains the same number of required instructional minutes as the 20 instructional days, including the holiday (4 hours x 19 days = 76 hours); however, the four-day per week, 4.75 hour schedule allows for better alignment with the District summer hours of operation. In addition, there are cost savings in facility use, transportation, and utility costs. We have also found that there is a drop in attendance on Mondays and/or Fridays, as well as a reduction in attendance during the final week of the ESY program. We believe we will be able to maximize student learning by modifying the ESY schedule to four days with extended daily time.

Student Population: 686

City Type: Rural

Public Hearing Date: 3/13/2018

Public Hearing Advertised: In the local newspaper

Local Board Approval Date: 3/13/2018

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 2/27/2018

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\2018\July%20SBE%20Meeting\jlau@ecesd.org)

Telephone: 760-352-5712 x8534

Bargaining Unit Date: 02/27/2018

Name: El Centro Elem. School Dist. Teacher Association

Representative: Shealynn Smith Barker

Title: ECETA President

Position: Support

# Attachment 5: Waiver 4-3-2018 Gateway Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4575267

Waiver Number: 4-3-2018

Active Year: 2018

Date In: 3/5/2018 11:41:09 AM

Local Education Agency: Gateway Unified School District

Address: 4411 Mountain Lakes Blvd.

Redding, CA 96003

Start: 6/11/2018

End: 6/29/2018

Waiver Renewal: Yes

Previous Waiver Number: 6-12-2016-W-11

Previous SBE Approval Date: 3/21/2017

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: Requested by the Gateway Unified School District to waive *CCR* Title 5. Section 3043(d) which requires minimum of 20 days of school attendance (with varied minutes depending on grade level of student) for an extended school year for special education.

Outcome Rationale: The Gateway District collaborates with two other school districts to provide ESY Services to SPED students preschool through 8th grade as well as serving High School Level SDC students. We serve a large geographical region that requires long bus rides for students, many of whom are medically fragile. In addition, most of the students require DIS services which is difficult to accommodate in a 4 hour day. The district is suggesting that we decrease the number of school days to 15 and increasing the length of the school day to ensure the number of minutes of services to students remains the same as a 20 day program.

Student Population: 2439

City Type: Rural

Public Hearing Date: 10/4/2017

Public Hearing Advertised: news paper, posting at District Office and school sites, website posting

Local Board Approval Date: 10/4/2017

Community Council Reviewed By: District Advisory Council

Community Council Reviewed Date: 10/26/2017

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. James Harrell

Position: GWUSD Superintendent

E-mail: [jharrell@gwusd.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2018\July%20SBE%20Meeting\jharrell@gwusd.org)

Telephone: 530-245-7908

Fax: 530-245-7920

Bargaining Unit Date: 09/27/2017

Name: Gateway Teacher Association

Representative: Matt Hunsaker

Title: GTA President

Position: Support

# Attachment 6: Waiver 14-3-2018 Kings County Office of Education

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1610165

Waiver Number: 14-3-2018

Active Year: 2018

Date In: 3/12/2018 3:52:18 PM

Local Education Agency: Kings County Office of Education

Address: 1144 West Lacey Blvd.

Hanford, CA 93230

Start: 6/1/2018

End: 6/30/2018

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: 33050

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

Outcome Rationale: The Kings County Office of Education proposes to provide Extended School Year program to identified special education students as agreed to in their IEP for sixteen days (16) days at five (5) hours of instruction per day. (Total of 80 hours instruction) in place of the traditional model of twenty (20) days with four (4) hours of instruction daily for a total of eighty (80) hours of instruction. This will provide opportunity for school facility improvements, family vacation time, and significant financial savings in energy usage, transportation, janitorial, and other costs associated with running the program. It also allows our staff additional time to pursue professional development, higher education goals, and time to re-energize and prepare for the following school year.

Student Population: 266

City Type: Rural

Public Hearing Date: 2/7/2018

Public Hearing Advertised: Newspaper and school board meeting agenda postings

Local Board Approval Date: 2/7/2018

Community Council Reviewed By: Special Education Local Advisory Committee Meeting and Kings County School Board

Community Council Reviewed Date: 12/11/2017

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Lisa Horne

Position: Program Director Special Education

E-mail: [lisa.horne@kingscoe.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2018\July%20SBE%20Meeting\lisa.horne@kingscoe.org)

Telephone: 559-589-7092

Bargaining Unit Date: 11/30/2017

Name: CSEA

Representative: Rebekah Thompson

Title: President CSEA

Position: Support

# Attachment 7: Waiver 28-2-2018 Madera County Superintendent of Schools

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2010207

Waiver Number: 28-2-2018

Active Year: 2018

Date In: 2/28/2018 11:19:44 AM

Local Education Agency: Madera County Superintendent of Schools

Address: 1105 South Madera Ave.

Madera, CA 93637

Start: 6/1/2018

End: 7/13/2018

Waiver Renewal: Yes

Previous Waiver Number: 7-12-2015-W-03

Previous SBE Approval Date: 3/15/2016

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: 33050

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

Outcome Rationale: The Madera County Superintendent of Schools (MCSOS) proposes to provide Extended School Year (ESY) services to identified students with special needs utilizing a schedule of fifteen (15) days, 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.

Few ESY days will also result in substantial savings 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 11, 2018 through June 29, 2018. In eastern Madera county, ESY would be conducted June 18, 2018 through July 6, 2018, with the Fourth of July holiday as a non-instructional day.

Student Population: 342

City Type: Small

Public Hearing Date: 2/13/2018

Public Hearing Advertised: Notices of public hearing posted at four school sites and the county office of education administration building.

Local Board Approval Date: 2/13/2018

Community Council Reviewed By: Gould Educational Center Parent Advisory Committee

Community Council Reviewed Date: 12/14/2017

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Cheryl Mohr

Position: Executive Director, Student Programs and Services

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

Telephone: 559-662-4669

Fax: 559-674-7468

Bargaining Unit Date: 12/15/2017

Name: California School Employees Association, Chpt 713

Representative: Shelly Clancy

Title: President

Position: Neutral

Bargaining Unit Date: 12/15/2017

Name: Madera County Office of Education Teachers Associa

Representative: Tanya Hill

Title: Member representative

Position: Neutral

**Attachment 8: Waiver 16-3-2018 Mariposa County Office of Education**

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2210223

Waiver Number: 16-3-2018

Active Year: 2018

Date In: 3/13/2018 2:32:03 PM

Local Education Agency: Mariposa County Office of Education

Address: 5082 Old Highway North

Mariposa, CA 95338

Start: 6/11/2018

End: 6/29/2018

Waiver Renewal: Yes

Previous Waiver Number: 23-5-2017-W-13

Previous SBE Approval Date: 9/14/2017

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: *CCR*, Title 5, Section 3043 (d) 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).

Outcome Rationale: The Mariposa County Office of Education, Special Services Department is requesting a waiver to allow the county run Extended School Year (ESY) program to run for 15 days., including any holidays, instead of 20 days. The program will run for 6.25 hours for the period of June 11, 2018 - June 29, 2018. The longer ESY school day will align better with a typical school day.

Fewer ESY school days will result in substantial savings in Transportation, janitorial, and food service costs.

Student Population: 51

City Type: Rural

Public Hearing Date: 3/8/2018

Public Hearing Advertised: Notice was posted at each school site, the district office and website, and the local courthouse

Local Board Approval Date: 3/8/2018

Community Council Reviewed By: Mariposa County Board Of Education

Community Council Reviewed Date: 3/8/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Penny Weaver

Position: Interim Director, Special Education

E-mail: [cridenhour@mcusd.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2018\July%20SBE%20Meeting\cridenhour@mcusd.org)

Telephone: 209-742-0231

Fax: 209-742-0237

Bargaining Unit Date: 02/09/2018

Name: Mariposa CSEA

Representative: Tammi Richards

Title: President

Position: Support

Bargaining Unit Date: 02/09/2018

Name: Mariposa CTA

Representative: Alex Keeton

Title: President

Position: Support

**Attachment 9: Waiver 10-3-2018 Millbrae Elementary School District**

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 4168973

Waiver Number: 10-3-2018

Active Year: 2018

Date In: 3/7/2018 10:39:36 PM

Local Education Agency: Millbrae Elementary School

Address: 555 Richmond Dr.

Millbrae, CA 94030

Start: 6/25/2018

End: 7/20/2018

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

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

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 MESD proposes to provide ESY services using a 19 day schedule, Monday's through Fridays, with four hours and fifteen minutes of instruction per day. The benefit of the proposed schedule change is to improve attendance by eliminating he fifth week for a single day to meet the 20 day requirement. Historically, the single day in the fifth week has been poorly attended by both students and staff. Increasing the instructional day will provide more concentrated instructional time and fewer transitions. In addition, MESD has had a difficult time recruiting ESY teachers and para-educators in the past, and a shorter ESY schedule will increase staff interest and participation. Additionally, there will be a fiscal savings of 16 percent on the combined cost of transportation and staff.

Student Population: 2427

City Type: Suburban

Local Board Approval Date: 2/20/2018

Audit Penalty Yes or No: N o

Categorical Program Monitoring: No

Submitted by: Ms. Anita Allardice

Position: Director of Special Education

E-mail: [aallardice@millbraesd.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2018\July%20SBE%20Meeting\aallardice@millbraesd.org)

Telephone: 650-697-5693 x020

Fax: 650-697-6865

Bargaining Unit Date: 02/08/2018

Name: Millbrae Teachers' Association

Representative: Matthew Garrett

Title: PresidentPosition: Support

**Attachment 10: Waiver 11-3-2018 National Elementary School District**

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3768221

Waiver Number: 11-3-2018

Active Year: 2018

Date In: 3/8/2018 12:38:29 PM

Local Education Agency: National Elementary School

Address: 1500 N Ave.

National City, CA 91950

Start: 6/11/2018

End: 6/29/2018

Waiver Renewal: Yes

Previous Waiver Number: 11-2-2017-W-14

Previous SBE Approval Date: 5/11/2017

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 33050-33053 Title 5, Section 33043(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 who has unique needs and requires special education and related services in excess of the regular academic year. *CCR*, Title 5 Section 3043(d) requires that the program be provided for a minimum of 20 instructional days, typically for four hours each day for a total of 80 hours of instruction.

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

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

Student Population: 5411

City Type: Urban

Local Board Approval Date: 2/14/2018

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Meghann O'Connor

Position: Director of Student Support Services

E-mail: [moconnor@nsd.us](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2018\July%20SBE%20Meeting\moconnor@nsd.us)

Telephone: 619-336-7740

Fax: 619-336-7551

Bargaining Unit Date: 01/09/2018

Name: National City Elementary Teachers Association

Representative: Irma Sanchez

Title: Special Education Unit Representative

Position: Support

# Attachment 11: Waiver 40-3-2018 Shasta County Office of Education

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4510454

Waiver Number: 40-3-2018

Active Year: 2018

Date In: 3/28/2018 1:57:58 PM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Ave.

Redding, CA 96003

Start: 6/11/2018

End: 6/29/2018

Waiver Renewal: N

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: Shasta County Office of Education: Provide within 15 days of increased minutes, the time equal to the normally provided 20 days as required by *CCR*, Title5, Section 4043 (d). Services are to be provided in a 15 day period, 5.5 hours per day, to align with other regional program oerations providing intensive support in less time, reduce the travel time for students and costs for districts.

Student Population: 33

City Type: Rural

Public Hearing Date: 3/14/2018

Public Hearing Advertised: newspaper, website, posted at site, Public Hearing at Board Meeting

Local Board Approval Date: 3/14/2018

Community Council Reviewed By: Shasta County Office of Education Board of Education, Community Advisory Committee (CAC), Program A

Community Council Reviewed Date: 3/14/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Gina Murphy

Position: Principal

E-mail: [gmurphy@shastacoe.org](mailto:gmurphy@shastacoe.org)

Telephone: 530-410-6088 x2277

Fax: 530-225-0308

Bargaining Unit Date: 01/27/2018

Name: Child Development Educators Association

Representative: Brian Woodward

Title: President

Position: Support

Bargaining Unit Date: 01/27/2018

Name: Classified School Employees Association

Representative: Debbie Stewart

Title: President

Position: Support

Bargaining Unit Date: 01/27/2018

Name: Shasta CTA

Representative: Karin Lindsey

Title: President CTA President

Position: Neutral

# Attachment 12: Waiver 33-3-2018 Shasta Union High School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4570136

Waiver Number: 33-3-2018

Active Year: 2018

Date In: 3/26/2018 4:26:39 PM

Local Education Agency: Shasta Union High School

Address: 2200 Eureka Way, Ste. B

Redding, CA 96001

Start: 6/11/2018

End: 6/29/2018

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: *Education Code* 33050

*Education Code* or *CCR* to Waive: Reduce ESY from 20 days to 15 days.

Outcome Rationale: Shasta Union High School District (SUHSD) is located in Redding, CA where the summer time temperatures can easily reach triple digits. To reduce the amount of exposure to medically fragile students SUHSD is respectfully requesting to reduce the number ESY school days from 20-15. We also would like to give our staff and increased amount of vacation time given that this employee pool is the same pool that works with the students during the regular school year. ESY would be June 11-June 29, 8:00 am to 1:30 pm.

Student Population: 4400

City Type: Rural

Public Hearing Date: 2/21/2018

Public Hearing Advertised: School Web Site and posting in the main office.

Local Board Approval Date: 3/13/2018

Community Council Reviewed By: Shasta Union High School District Board of Trustees

Community Council Reviewed Date: 3/13/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Timothy Calkins

Position: Principal of Education Services

E-mail: [tcalkins@suhsd.net](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2018\July%20SBE%20Meeting\tcalkins@suhsd.net)

Telephone: 530-241-3261 x10540

Fax: 530-245-2631

Bargaining Unit Date: 02/21/2018

Name: Shasta Secondary Education Association

Representative: Gary Connolly

Title: President

Position: Support

# Attachment 13: Waiver 28-3-2018 Sweetwater Union High School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768411

Waiver Number: 28-3-2018

Active Year: 2018

Date In: 3/21/2018 8:08:57 AM

Local Education Agency: Sweetwater Union High School

Address: 1130 Fifth Ave.

Chula Vista, CA 91911

Start: 6/11/2018

End: 6/29/2018

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, 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).

(a) Extended year special education and related services shall be provided by a school district, SELPA, 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

(2) Are individuals with exceptional needs whose IEPs specify an extended year program as determined by the IEP 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: Sweetwater Union High School District requests a waiver to modify the required special education Extended School Year (ESY) from 20 days to 15 days. ESY will run during the same time period--with the equivalent hours--as the District’s general education summer school. Formally, ESY was 20 days at 4 hours per day for a total of 80 hours. A 15-day, 5.5 hour per day ESY will total 82.5 hours.

Student Population: 40000

City Type: Urban

Public Hearing Date: 3/12/2018

Public Hearing Advertised: The agenda was posted at the district office and school sites and also posted on website and social media.

Local Board Approval Date: 3/12/2018

Community Council Reviewed By: Special Education Parent Committee

Community Council Reviewed Date: 3/7/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Joe Fulcher

Position: Assistant Superintendent

E-mail: [joe.fulcherjr@sweetwaterschools.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2018\July%20SBE%20Meeting\joe.fulcherjr@sweetwaterschools.org)

Telephone: 619-691-5533

Bargaining Unit Date: 02/13/2018

Name: Califoria School Employee Organization

Representative: Kimberly Castillo

Title: President, CSEA Chapter 731

Position: Support

Bargaining Unit Date: 02/13/2018

Name: Sweetwater Education Association

Representative: Eugene Chavira

Title: President, SEA

Position: Support