

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Specific Waiver

# California State Board of Education May 2018 Agenda Item #W-11

## Subject

Request by two local educational agencies, under the authority of California *Education* *Code* Section 56101 and *California Code of Regulations*, Title 5, Section 3100, to waive *Education Code* Section 56362(c). Approval of this waiver will allow the resource specialists to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

## Waiver Number

* King City Union School District 5-1-2018
* Newman-Crows Landing Unified School District 19-2-2018
* Newman-Crows Landing Unified School District 20-2-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

Two local educational agencies (LEAs) request to increase the caseloads of eight resource specialists from the maximum allowed caseload of 28 students to 32 students.

## Authority for Waiver

*Education Code (EC)* Section 56101

## Recommendation

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

The California Department of Education (CDE) recommends approval with the following conditions: (1) The District must provide each resource specialist instructional aide time of at least five hours daily whenever the resource specialists’ caseloads exceed the statutory maximum caseload of 28 students by no more than 4 students (32 maximum), during the waiver's effective period, per *California Code of Regulations* Title 5 (5 CCR), Section 3100(d)(2); (2) The District must submit to the Special Education Division (SED) of the CDE, documentation of the District’s efforts to recruit and employ fully credentialed resource specialists for the 2018–19 school year. The district is to use and document at least two or more different modalities for recruiting qualified personnel, such as:

* Posting of fliers
* Job listings in newspapers, professional periodicals, or other such listings
* Online job listings such as EdJoin, or other education related Web sites
* Participation in career or employment fairs
* Active recruitment at universities and other institutions of higher learning
* Involvement with institutions of higher learning for programs on teacher training
* Use of LEA based teacher training, or use of career ladders for current staff

## Summary of Key Issues

A resource specialist is a credentialed teacher providing instruction and services to children with individualized education programs (IEPs) that are assigned to general education teachers for the majority of the school day. Resource specialists coordinate special education services with general education programs as well as provide direct instruction and consultation for students with IEPs.

The CDE, SED, completes a thorough review of the components of the resource specialist program (RSP) caseload waiver submissions to develop waiver recommendations and conditions including, but not limited to the following:

* Confirming the demographic information on the waiver submission is accurate.
* Contacting the resource teacher to confirm that the teacher agreed to the waiver, and the teacher information provided on the waiver submission is accurate.
* Contacting the union representative to confirm that the LEA contacted the representative about the waiver.
* Reviewing the number of RSP caseload waivers submitted by the LEA over the last two school years to ensure the number of requests are reasonable based on the size of the LEA.
* Reviewing the SED compliance complaint database for any RSP caseload complaints filed against the LEA. If a complaint has been filed, the SED follows up on any determinations of noncompliance and corresponding corrective actions.
* If necessary, talking to the LEA administrator to gather additional information.

Any relevant information obtained from this review is included in the description below.

### King City Union School District

The King City Union School District (KCUSD) requests to increase the caseloads of six resource specialist teachers; four teachers at Chalone Peaks Middle School and two at Del Rey Elementary School. The CDE recommends approval with conditions, including the condition for KCUSD to provide documentation of efforts to recruit and employ fully credentialed resource specialists for the 2018–19 school year.

There have been no prior documented complaints registered with the CDE related to the KCUSD exceeding the maximum RSP caseload of 28 students, and there are no requests for an RSP caseload waiver within the last two school years. The CDE contacted each RSP teacher to confirm their agreement to the waiver, and receipt of the required amount of instructional aide time. Two of the teachers expressed their concerns about the increased caseloads in the waiver submission. Both teachers told the CDE they understand the need for the waiver. The KCUSD and the King City Elementary Teachers Association (KCETA) came to an agreement about the increased caseloads on October 19, 2017, that includes additional teacher compensation. The agreement was approved at the KCUSD Board Meeting on November 15, 2017.

As of April 13, 2018, the KCUSD reported there is one RSP teacher with an increased caseload at Del Rey Elementary School, and two RSP teachers with caseload increases at Chalone Peaks Middle School. The KCUSD added an RSP teacher position, has conducted interviews, and is in the process of hiring for the position.

The KCUSD has had difficulty recruiting and retaining staff, including RSP teachers, due to its geographical location. Therefore, the CDE is recommending the additional waiver condition to provide the CDE with information about recruitment efforts.

**Demographic Information:** The KCUSD has a student population of 2,681 and is located in a rural area in Monterey County.

### Newman-Crows Landing Unified School District

The Newman-Crows Landing Unified School District (NCLUSD) requests to increase the caseloads of two resource specialist teachers, one teacher at Von Renner Elementary School (Waiver 19-2-2018), and one teacher who teaches at both Hunt Elementary and Bonita Elementary Schools   
(Waiver 20-2-2018). The CDE recommends approval with conditions, including the condition for NCLUSD to provide documentation of their efforts to recruit and employ fully credentialed resource specialists for the 2018–19 school year.

There have been no prior documented complaints registered with the CDE related to NCLUSD exceeding the maximum resource specialist program caseload of 28 students, and these are the only RSP caseload waiver requests within the last two school years. The RSP teachers agreed to the waiver, and will receive the required amount of instructional aide time.

The NCLUSD has had an influx of students moving into the district with existing IEPs, largely due to new housing developments in the area. Therefore, the CDE is recommending the additional waiver condition to provide the CDE with information about recruitment efforts.

**Demographic Information:** The NCLUSD has a student population of 3,000 and is located in a rural area in Stanislaus County.

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

*EC* Section 56101 allows the State Board of Education (SBE) to waive any provision of *EC* or regulation if the waiver is necessary or beneficial when implementing a student IEP. Title 5 CCR specifically allows the SBE to approve waivers for RSP caseloads to exceed the maximum caseload of 28 students by no more than 4 students. However, there are specific requirements in these regulations which must be met for approval, and if these requirements are not met, the waiver must be denied:

(1) The requesting agency demonstrates to the satisfaction of the SBE: (a) that the excess resource specialist caseload results from extraordinary fiscal and/or programmatic conditions; and (b) that the extraordinary conditions have been resolved or will be resolved by the time the waiver expires.

(2) The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

(3) The waiver confirms that the students served by an affected resource specialist will receive all of the services called for in the student’s IEPs.

(4) The waiver was agreed to by any affected resource specialist, and the bargaining unit, if any, to which the resource specialist belongs participated in the waiver's development.

(5) The waiver demonstrates to the satisfaction of the SBE that the excess caseload can be reasonably managed by an affected resource specialist in particular relation to: (a) the resource specialist's student contact time and other assigned duties; and (b) the programmatic conditions faced by the resource specialist, including, but not limited to, student age level, age span, and the behavioral characteristics; number of curriculum levels taught at any one time or any given session; and intensity of student instructional needs.

The SBE receives several waivers of this type each year, and approximately 90 percent are approved. Due to the nature of this type of waiver, RSP waivers are almost always retroactive.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver(s) approval.

## Attachment(s)

* **Attachment 1**: Summary Table (3 pages)
* **Attachment 2**: King City Union Waiver 5-1-2018 (26 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3**: Newman-Crows Landing Unified School District Waiver

19-2-2018 (6 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 4**: Newman-Crows Landing Unified School District Waiver

20-2-2018 (6 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 56101

| Waiver Number | School District, School | Name of Teachers, Agrees to Excess Caseload? | Over Statutory Caseload for More Than Two Years? | Current Aide Time,  Aide Time with Approved Waiver | Period of Request | Local Board Approval Date | Bargaining Unit, Representative, Consulted, Date, and Position |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 5-1-2018 | King City Union School District, Chalone Peaks Middle School, Del Rey Elementary School | Rei Marine Amansec  **Yes**  Susan Donk  **Yes**  Adam Fair  **Yes**  Stephanie Hart  **Yes**  Nadine Seeney  **Yes**  Eileen Taveres  **Yes** | No | The teachers were provided with various amounts of aide time prior to the need for the waiver. All teachers are provided with 5 hours of aide time per day with the waiver. | August 16, 2017 to June 8, 2018 | October 12, 2017 | King City Union Elementary Teachers Association (KCETA),  Keith Nystrom  KCETA Lead Negotiator  8/10/2017, 9/7/2017, 10/19/2017, 11/15/2017  **Support** |
| 19-2-2018 | Newman-Crows Landing Unified School District, Von Renner Elementary School | Deirdre O’Rourke  **Yes** | No | **Current:**  6 hours per day  **If Approved:**  6 hours per day | **Requested:**  February 22, 2018 to June 1, 2018  **Recommended:**  February 22, 2018 to June 1, 2018 | February 21, 2018 | Newman-Crows Landing Teachers Association, Hardy Reeves  President  2/13/2018  **Neutral** |
| 20-2-2018 | Newman-Crows Landing Unified School District, Hunt and Bonita Elementary Schools | Norlissa Clark  **Yes** | No | **Current:**  5 hours per day at Hunt Elementary, and 6 hours per day at Bonita Elementary  **If Approved:**  5.5 hours per day at Hunt Elementary, and 6.5 hours per day at Bonita Elementary  (Aide time was corrected by the CDE) | **Requested:**  February 22, 2018 to June 1, 2018  **Recommended:**  February 22, 2018 to June 1, 2018 | February 21, 2018 | Newman-Crows Landing Teachers Association, Hardy Reeves  President  2/13/2018  **Neutral** |

Created by California Department of Education   
March 2018

# Attachment 2: Waiver 5-1-2018 King City Union School District

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 2766050

Waiver Number: 5-1-2018

Active Year: 2018

Date In: 1/5/2018 12:58:53 PM

Local Education Agency: King City Union School District

Address: 104 South Vanderhurst Ave.

King City, CA 93930

Start: 8/16/2017

End: 6/8/2018

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Special Education Program

Ed Code Title: Resource Teacher Caseload

Ed Code Section: 56362 (c)

Ed Code Authority: 56101 and 5 *CCR* Section 3100

Ed Code or *CCR* to Waive: 56362(c)

## **Outcome Rationale**

In the area of King City, CA, it has been very difficult to obtain and retain qualified staff. Also, due to two medical leaves that occurred just before the start of school, we found ourselves short staffed. We have currently hired three additional certificated special education teachers and were able to reduce the caseload of two teachers approaching the state limit.

We will continue to hire and retain qualified staff for RSP positions. We will plan for beginning of year caseloads that allow for expansion with newly referred students.

Student Population: 2700

City Type: Rural

Local Board Approval Date: 10/12/201

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Catherine Rondeau

Position: Director of Student Services & Special Education

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

Telephone: 831-385-2940 x3016

**California Department of Education**

**Revised 1-19-2018**

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Administrator

SELPA / District / COE Name: Monterey County SELPA, King City Union School District, Monterey County Office of Education

Name of Resource Specialist: Rei Marie Amansec

School / District Assignment: RSP Chalone Peaks Middle School

Status: Permanent, Probation or Temporary: Probation

Number of Students: 29

Caseload proposed number of students: 32

Full time Equivalent (FTE%): 1.0

Number of periods or hours taught by Resource Specialist: 5 Periods

Average number of students per hour taught: 10

Indicate amount of Instructional Aide time hours to be provided to this resource specialist with this waiver: 5

**Note: At least 5 hours of aide time is required when the caseload is over 28, per *CCR*, Title 5, Section 3100(d)(2).**

Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per *CCR*, Title 5, Section 3100(d): I assure that this waiver will not hinder the implementation of any student’s individualized education programs. All students are currently receiving and will continue to receive services outlined in their IEPs.

Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per *CCR*, Title 5, Section 3100(d): In the area of King City, CA, it has been very difficult to obtain and retain qualified staff. Also, due to two medical leaves that occurred just before the start of school, we found ourselves short staffed. We have currently hired three additional certificated special education teachers and were able to reduce the caseload of two teachers approaching the state limit.

Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1): We will continue to hire and retain qualified staff for RSP positions. We will plan for beginning of year caseloads that allow for expansion with newly referred students.

Administrator/Designee Name and title: Catherine Rondeau, Student Services Director

Telephone number (and extension): 831-385-2940 (3016)

Date: October 12, 2017

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Resource Specialist (Teacher)

Name: Rei Marine Amanssec

Assigned at: Chalone Peaks Middle School

Is the information in Items 1 through 12 on the attached SW \_ RSC \_ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students? Yes or No: Yes

If not, please state where you believe these facts or numbers differ

Will all students served receive all of the services called for in their IEP’s? Yes or No: Yes

Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs? Please explain:

Yes, all students served will receive all of the services called for in the IEP.

Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

Yes, I can manage excess caseload.

*EC* Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR*, Title 5, Section 3100. Regulations allow your agency to request a waiver of the *EC*, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark next to the correct line:

AGREE X to the increase in my student caseload from 28 students to not more than

32 students.

DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

Indicate a check mark on the appropriate line:

I did not have a student caseload of more than 28 during the last school year. X

I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

1. Did you have an approved waiver for this caseload? Yes or No:
2. Specify which months / weeks you were over caseload: From/to:
3. Other pertinent information:

I have had a student caseload of more than 28 for more than two consecutive years. Yes or No: No

Instructional Aide time currently receiving: Hours (prior to increased caseload): 5

Any additional Aide time with this waiver? Total hours after increase: 0

I hereby certify that the information provided on this application is true and correct (please initial): RMA

Date: 10/16/17

Telephone number (and extension): 831-385-4400 (7181)

**California Department of Education**

**Revised 1-19-2018**

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Administrator

SELPA / District / COE Name: Monterey County SELPA, King City Union School District, Monterey County Office of Education

Name of Resource Specialist: Susan Donk

School / District Assignment: RSP Chalone Peaks Middle School

Status: Permanent, Probation or Temporary: Permanent

Number of Students: 30

Caseload proposed number of students: 32

Full time Equivalent (FTE%): 1.0

Number of periods or hours taught by Resource Specialist: 5 Periods

Average number of students per hour taught: 11

Indicate amount of Instructional Aide time hours to be provided to this resource specialist with this waiver: 5

**Note: At least 5 hours of aide time is required when the caseload is over 28, per *CCR*, Title 5, Section 3100(d)(2).**

Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per *CCR*, Title 5, Section 3100(d): I assure that this waiver will not hinder the implementation of any student’s individualized education programs. All students are currently receiving and will continue to receive services outlined in their IEPs.

Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per *CCR*, Title 5, Section 3100(d): In the area of King City, CA, it has been very difficult to obtain and retain qualified staff. Also, due to two medical leaves that occurred just before the start of school, we found ourselves short staffed. We have currently hired three additional certificated special education teachers and were able to reduce the caseload of two teachers approaching the state limit.

Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1): We will continue to hire and retain qualified staff for RSP positions. We will plan for beginning of year caseloads that allow for expansion with newly referred students.

Administrator/Designee Name and title: Catherine Rondeau, Student Services Director

Telephone number (and extension): 831-385-2940 (3016)

Date: October 12, 2017

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Resource Specialist (Teacher)

Name: Susan Donk

Assigned at: Chalone Peaks Middle School

Is the information in Items 1 through 12 on the attached SW \_ RSC \_ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students? Yes or No: No

If not, please state where you believe these facts or numbers differ

No aide at this time, hope to fill position soon.

Will all students served receive all of the services called for in their IEP’s? Yes or No: Yes

Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs? Please explain:

Yes, it will stretch the minutes served individually, however, most students have similar teachers and are at the same grade level.

Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

No, additional time will be put in after school hours, possibly staying over nigh every couple of weeks to complete all paperwork and curriculum planning.

*EC* Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR*, Title 5, Section 3100. Regulations allow your agency to request a waiver of the *EC*, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark next to the correct line:

AGREE X to the increase in my student caseload from 28 students to not more than

32 students.

DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

Indicate a check mark on the appropriate line:

I did not have a student caseload of more than 28 during the last school year.

I did have a student caseload of more than 28 during the last school year. X

If yes, please respond below:

1. Did you have an approved waiver for this caseload? Yes or No: No
2. Specify which months / weeks you were over caseload: From/to: September 2019-6–June, 2017
3. Other pertinent information:

I have had a student caseload of more than 28 for more than two consecutive years. Yes or No: No

Instructional Aide time currently receiving: Hours (prior to increased caseload): 0

Any additional Aide time with this waiver? Total hours after increase: 0

I hereby certify that the information provided on this application is true and correct (please initial): S.D.

Date: 11/1/17

Telephone number (and extension): 831-385-4400 (189)

**California Department of Education**

**Revised 1-19-2018**

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Administrator

SELPA / District / COE Name: Monterey County SELPA, King City Union School District, Monterey County Office of Education

Name of Resource Specialist: Adam Fair

School / District Assignment: RSP Chalone Peaks Middle School

Status: Permanent, Probation or Temporary: Probation

Number of Students: 28

Caseload proposed number of students: 32

Full time Equivalent (FTE%): 1.0

Number of periods or hours taught by Resource Specialist: 5 Periods

Average number of students per hour taught: 10

Indicate amount of Instructional Aide time hours to be provided to this resource specialist with this waiver: 5

**Note: At least 5 hours of aide time is required when the caseload is over 28, per *CCR*, Title 5, Section 3100(d)(2).**

Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per *CCR*, Title 5, Section 3100(d): I assure that this waiver will not hinder the implementation of any student’s individualized education programs. All students are currently receiving and will continue to receive services outlined in their IEPs.

Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per *CCR*, Title 5, Section 3100(d): In the area of King City, CA, it has been very difficult to obtain and retain qualified staff. Also, due to two medical leaves that occurred just before the start of school, we found ourselves short staffed. We have currently hired three additional certificated special education teachers and were able to reduce the caseload of two teachers approaching the state limit.

Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1): We will continue to hire and retain qualified staff for RSP positions. We will plan for beginning of year caseloads that allow for expansion with newly referred students.

Administrator/Designee Name and title: Catherine Rondeau, Student Services Director

Telephone number (and extension): 831-385-2940 (3016)

Date: October 12, 2017

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Resource Specialist (Teacher)

Name: Adam Fair

Assigned at: Chalone Peaks Middle School

Is the information in Items 1 through 12 on the attached SW \_ RSC \_ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students? Yes or No: Yes

If not, please state where you believe these facts or numbers differ.

Will all students served receive all of the services called for in their IEP’s? Yes or No: Yes

Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs? Please explain:

I feel it is difficult to meet the needs of 32 students on a caseload, as well as manage four different types of classes. I miss almost all ELA and SWUN Trainings. Progress monitoring requires many hours of homework on my part. I can manage it reasonably, but not as excellently as if I had 28 or less.

Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

Yes, as explained above, I’d like to see that the district is trying to hire another RSP teacher and also consider giving me another assessment period. Otherwise its survival mode like last year. I’m a survivor but I prefer excellent.

*EC* Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR*, Title 5, Section 3100. Regulations allow your agency to request a waiver of the *EC*, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark next to the correct line:

AGREE X to the increase in my student caseload from 28 students to not more than

32 students.

DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

Indicate a check mark on the appropriate line:

I did not have a student caseload of more than 28 during the last school year.

I did have a student caseload of more than 28 during the last school year. X

If yes, please respond below:

1. Did you have an approved waiver for this caseload? Yes or No: No
2. Specify which months / weeks you were over caseload: From/to:
3. Other pertinent information:

I have had a student caseload of more than 28 for more than two consecutive years. Yes or No: No

Instructional Aide time currently receiving: Hours (prior to increased caseload): 5

Any additional Aide time with this waiver? 0 Total hours after increase: 5

I hereby certify that the information provided on this application is true and correct (please initial): AF

Date: 11/1/17

Telephone number (and extension): 831-385-4400 (188)

**California Department of Education**

**Revised 1-19-2018**

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Administrator

SELPA / District / COE Name: Monterey County SELPA, King City Union School District, Monterey County Office of Education

Name of Resource Specialist: Stephanie Hart

School / District Assignment: RSP Del Rey Elementary

Status: Permanent, Probation or Temporary: Permanent

Number of Students: 31

Caseload proposed number of students: 32

Full time Equivalent (FTE%): 1.0

Number of periods or hours taught by Resource Specialist: 5.25 Hours

Average number of students per hour taught: 13

Indicate amount of Instructional Aide time hours to be provided to this resource specialist with this waiver: 5

**Note: At least 5 hours of aide time is required when the caseload is over 28, per *CCR*, Title 5, Section 3100(d)(2).**

Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per *CCR*, Title 5, Section 3100(d): I assure that this waiver will not hinder the implementation of any student’s individualized education programs. All students are currently receiving and will continue to receive services outlined in their IEPs.

Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per *CCR*, Title 5, Section 3100(d): In the area of King City, CA, it has been very difficult to obtain and retain qualified staff. Also, due to two medical leaves that occurred just before the start of school, we found ourselves short staffed. We have currently hired three additional certificated special education teachers and were able to reduce the caseload of two teachers approaching the state limit.

Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1): We will continue to hire and retain qualified staff for RSP positions. We will plan for beginning of year caseloads that allow for expansion with newly referred students.

Administrator/Designee Name and title: Catherine Rondeau, Student Services Director

Telephone number (and extension): 831-385-2940 (3016)

Date: October 12, 2017

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Resource Specialist (Teacher)

Name: Stephanie Hart

Assigned at: Del Rey Elementary

Is the information in Items 1 through 12 on the attached SW \_ RSC \_ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students? Yes or No: Yes

If not, please state where you believe these facts or numbers differ.

Will all students served receive all of the services called for in their IEP’s? Yes or No: Yes

Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs? Please explain:

Yes, I am able to meet the students’ needs.

Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

Yes, if given flexibility regarding other assigned duties.

*EC* Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR*, Title 5, Section 3100. Regulations allow your agency to request a waiver of the *EC*, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark next to the correct line:

AGREE X to the increase in my student caseload from 28 students to not more than

32 students.

DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

Indicate a check mark on the appropriate line:

I did not have a student caseload of more than 28 during the last school year.

I did have a student caseload of more than 28 during the last school year. X

If yes, please respond below:

1. Did you have an approved waiver for this caseload? Yes or No: No
2. Specify which months / weeks you were over caseload: From/to: From May, 2017 to June, 2017
3. Other pertinent information:

I have had a student caseload of more than 28 for more than two consecutive years. Yes or No: No

Instructional Aide time currently receiving: Hours (prior to increased caseload): 5

Any additional Aide time with this waiver? 0 Total hours after increase: 5

I hereby certify that the information provided on this application is true and correct (please initial): SH

Date: 10/12/17

Telephone number (and extension): 831-385-4884 (6221)

**California Department of Education**

**Revised 1-19-2018**

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Administrator

SELPA / District / COE Name: Monterey County SELPA, King City Union School District, Monterey County Office of Education

Name of Resource Specialist: Nadine Seeney

School / District Assignment: RSP Chalone Peaks Middle School

Status: Permanent, Probation or Temporary: Temporary

Number of Students: 28

Caseload proposed number of students: 32

Full time Equivalent (FTE%): 1.0

Number of periods or hours taught by Resource Specialist: 5 Periods

Average number of students per hour taught: 10

Indicate amount of Instructional Aide time hours to be provided to this resource specialist with this waiver: 5

**Note: At least 5 hours of aide time is required when the caseload is over 28, per *CCR*, Title 5, Section 3100(d)(2).**

Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per *CCR*, Title 5, Section 3100(d): I assure that this waiver will not hinder the implementation of any student’s individualized education programs. All students are currently receiving and will continue to receive services outlined in their IEPs.

Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per *CCR*, Title 5, Section 3100(d): In the area of King City, CA, it has been very difficult to obtain and retain qualified staff. Also, due to two medical leaves that occurred just before the start of school, we found ourselves short staffed. We have currently hired three additional certificated special education teachers and were able to reduce the caseload of two teachers approaching the state limit.

Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1): We will continue to hire and retain qualified staff for RSP positions. We will plan for beginning of year caseloads that allow for expansion with newly referred students.

Administrator/Designee Name and title: Catherine Rondeau, Student Services Director

Telephone number (and extension): 831-385-2940 (3016)

Date: October 12, 2017

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Resource Specialist (Teacher)

Name: Nadine Seeney

Assigned at: Chalone Peaks Middle School

Is the information in Items 1 through 12 on the attached SW \_ RSC \_ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students? Yes or No: Yes

If not, please state where you believe these facts or numbers differ.

Will all students served receive all of the services called for in their IEP’s? Yes or No: Yes

Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs? Please explain:

With the aide support and small class sizes, I will be able to provide adequate support to my students with IEPs.

Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

With the planning time provided and classroom resources, I will be able to manage my caseload and assigned duties.

*EC* Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR*, Title 5, Section 3100. Regulations allow your agency to request a waiver of the *EC*, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark next to the correct line:

AGREE X to the increase in my student caseload from 28 students to not more than

32 students.

DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

Indicate a check mark on the appropriate line:

I did not have a student caseload of more than 28 during the last school year. X

I did have a student caseload of more than 28 during the last school year.

If yes, please respond below:

1. Did you have an approved waiver for this caseload? Yes or No:
2. Specify which months / weeks you were over caseload: From/to:
3. Other pertinent information:

I have had a student caseload of more than 28 for more than two consecutive years. Yes or No: No

Instructional Aide time currently receiving: Hours (prior to increased caseload): 5

Any additional Aide time with this waiver? 0 Total hours after increase: 5

I hereby certify that the information provided on this application is true and correct (please initial): NS

Date: 10/12/17

Telephone number (and extension): 831-385-4400 (7142)

**California Department of Education**

**Revised 1-19-2018**

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Administrator

SELPA / District / COE Name: Monterey County SELPA, King City Union School District, Monterey County Office of Education

Name of Resource Specialist: Eileen Tavares

School / District Assignment: RSP Del Rey Elementary

Status: Permanent, Probation or Temporary: Permanent

Number of Students: 30 (August–November 25-27 students)

Caseload proposed number of students: up to 32

Full time Equivalent (FTE%): 1.0

Number of periods or hours taught by Resource Specialist: 5.25 Hours

Average number of students per hour taught: 12

Indicate amount of Instructional Aide time hours to be provided to this resource specialist with this waiver: 5

**Note: At least 5 hours of aide time is required when the caseload is over 28, per *CCR*, Title 5, Section 3100(d)(2).**

Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per *CCR*, Title 5, Section 3100(d): I assure that this waiver will not hinder the implementation of any student’s individualized education programs. All students are currently receiving and will continue to receive services outlined in their IEPs.

Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per *CCR*, Title 5, Section 3100(d): In the area of King City, CA, it has been very difficult to obtain and retain qualified staff. Also, due to two medical leaves that occurred just before the start of school, we found ourselves short staffed. We have currently hired three additional certificated special education teachers and were able to reduce the caseload of two teachers approaching the state limit.

Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1): We will continue to hire and retain qualified staff for RSP positions. We will plan for beginning of year caseloads that allow for expansion with newly referred students.

Administrator/Designee Name and title: Catherine Rondeau, Student Services Director

Telephone number (and extension): 831-385-2940 (3016)

Date: October 12, 2017

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Resource Specialist (Teacher)

Name: Eileen Tavares

Assigned at: Del Rey Elementary

Is the information in Items 1 through 12 on the attached SW \_ RSC \_ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students? Yes or No: Yes

If not, please state where you believe these facts or numbers differ.

Will all students served receive all of the services called for in their IEP’s? Yes or No: Yes

Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs? Please explain:

Yes, I can do this due to the Instructional Assistant and para-educators that help me with these students.

Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

Yes, due to organization of our work day. Substitutes are hired when needed in order to hold IEPs in a timely manner.

*EC* Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR*, Title 5, Section 3100. Regulations allow your agency to request a waiver of the *EC*, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark next to the correct line:

AGREE X to the increase in my student caseload from 28 students to not more than

32 students.

DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

Indicate a check mark on the appropriate line:

I did not have a student caseload of more than 28 during the last school year.

I did have a student caseload of more than 28 during the last school year. X

If yes, please respond below:

1. Did you have an approved waiver for this caseload? Yes or No: No
2. Specify which months / weeks you were over caseload: From/to: From March, 2017 to June, 2017
3. Other pertinent information:

I have had a student caseload of more than 28 for more than two consecutive years. Yes or No: No

Instructional Aide time currently receiving: Hours (prior to increased caseload): 5, 5 hours assigned to my program, 2 para-educators assigned to specific students

Any additional Aide time with this waiver? 0 Total hours after increase: 5

I hereby certify that the information provided on this application is true and correct (please initial): EPT

Date: 12/15/17

Telephone number (and extension): 831-385-4884 (6224)

# Attachment 3: Waiver 19-2-2018 Newman-Crows Landing Unified

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 5073601

Waiver Number: 19-2-2018

Active Year: 2018

Date In: 2/22/2018 11:39:27 AM

Local Education Agency: Newman-Crows Landing Unified

Address: 1223 Main St.

Newman, CA 95360

Start: 2/22/2018

End: 6/1/2018

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Resource Teacher Caseload

Ed Code Section: 56362 (c)

Ed Code Authority: 56101 and 5 *CCR* Section 3100

Ed Code or *CCR* to Waive: Ed Code 56362 (c) No resource specialist shall have a caseload which exceeds 28 pupils.

## Outcome Rationale

Extraordinary program circumstances resulting in this request for excess caseload include an influx of students moving in our district area with IEPs in place from other SELPAs, and as well as elementary student enrollment increasing significantly during the school year due to new housing developments in the area.

Student Population: 3000

City Type: Rural

Local Board Approval Date: 2/21/2018

Audit Penalty Yes or No: N o

Categorical Program Monitoring: No

Submitted by: Ms. Alyssa Souza

Position: Program Specialist

E-mail: [asouza1@nclusd.k12.ca.us](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2018\May%20SBE%20Meeting\asouza1@nclusd.k12.ca.us)

Telephone: 209-862-2933

Fax: 209-862-0113

Bargaining Unit Date: 02/13/2018

Name: Newman Crows Landing Teachers’ Association (NCLTA)

Representative: Hardy Reeves

Title: President

Position: Neutral

**California Department of Education**

**Revised 1-19-2018**

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Administrator

SELPA / District / COE Name: Newman-Crows Landing Unified School District

Name of Resource Specialist: Deirdre O’Rourke

School / District Assignment: Von Renner Elementary

Status: Permanent, Probation or Temporary: Permanent

Number of Students: 29

Caseload proposed number of students: up to 32

Full time Equivalent (FTE%): 100%

Number of periods or hours taught by Resource Specialist: 6.5 Hours

Average number of students per hour taught: Approximately 5 students

Indicate amount of Instructional Aide time hours to be provided to this resource specialist with this waiver: 6

**Note: At least 5 hours of aide time is required when the caseload is over 28, per *CCR*, Title 5, Section 3100(d)(2).**

Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per *CCR*, Title 5, Section 3100(d): The waiver will not hinder the implementation of a student’s individualized educational program as the students above the 28 caseload limit will either be serviced within already existing instructional groups, will be serviced within a new instructional group within the case manager’s schedule, or will be serviced by as instructional support staff member with oversight from the credentialed case manager.

Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per *CCR*, Title 5, Section 3100(d): Extraordinary program circumstances resulting in the request for excess caseload include an influx of students moving in our district area with IEPs in place from other SELPAs, and as well as elementary student enrollment increasing significantly during the school year due to new housing developments in the area.

Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1): Plan of action to resolve conditions by the time the waiver expires is providing caseload support and sharing from another credentialed case manager within the district for this school year, if needed. Next year, there is a plan for adding another credentialed case manager district wide.

Administrator/Designee Name and title: Alyssa Souza, Program Specialist

Telephone number (and extension): 209-862-2933

Date: 2/9/2018

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Resource Specialist (Teacher)

Name: Deirdre O’Rourke

Assigned at: Von Renner

Is the information in Items 1 through 12 on the attached SW \_ RSC \_ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students? Yes or No: Yes

If not, please state where you believe these facts or numbers differ.

Will all students served receive all of the services called for in their IEP’s? Yes or No: Yes

Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs? Please explain:

Yes, the students are grouped by grade level and teacher and have a set schedule. There is a classroom behavior management system in place and other supports to assist students. The schedule had to be adjusted to accommodate the size of the groups, but consideration was taken in making changes in order to insure that needs were being met.

Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

Yes.

*EC* Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR*, Title 5, Section 3100. Regulations allow your agency to request a waiver of the *EC*, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark next to the correct line:

AGREE X to the increase in my student caseload from 28 students to not more than

32 students.

DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

Indicate a check mark on the appropriate line:

I did not have a student caseload of more than 28 during the last school year.

I did have a student caseload of more than 28 during the last school year. X

If yes, please respond below:

1. Did you have an approved waiver for this caseload? Yes or No: No
2. Specify which months / weeks you were over caseload: From/to: From May, 2017 to June, 2017
3. Other pertinent information:

I have had a student caseload of more than 28 for more than two consecutive years. Yes or No: No

Instructional Aide time currently receiving: Hours (prior to increased caseload): 6

Any additional Aide time with this waiver? 0 Total hours after increase: 6

I hereby certify that the information provided on this application is true and correct (please initial):

Date: 02/14/18

Telephone number (and extension): 209-862-2868

# Attachment 4: Waiver 20-2-2018 Newman-Crows Landing Unified

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 5073601

Waiver Number: 20-2-2018

Active Year: 2018

Date In: 2/22/2018 11:43:22 AM

Local Education Agency: Newman-Crows Landing Unified School District

Address: 1223 Main St.

Newman, CA 95360

Start: 2/22/2018

End: 6/1/2018

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Special Education Program

Ed Code Title: Resource Teacher Caseload

Ed Code Section: 56362 (c)

Ed Code Authority: 56101 and 5 *CCR* Section 3100

Ed Code or *CCR* to Waive: Ed Code 56362 (c) No resource specialist shall have a caseload which exceeds 28 pupils.

## Outcome Rationale

Extraordinary program circumstances resulting in this request for excess caseload include an influx of students moving in our district area with IEPs in place from other SELPAs, and as well as elementary student enrollment increasing significantly during the school year due to new housing developments in the area.

Student Population: 3000

City Type: Rural

Local Board Approval Date: 2/21/2018

Audit Penalty Yes or No: N o

Categorical Program Monitoring: No

Submitted by: Ms. Alyssa Souza

Position: Program Specialist

E-mail: [asouza1@nclusd.k12.ca.us](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2018\May%20SBE%20Meeting\asouza1@nclusd.k12.ca.us)

Telephone: 209-862-2933

Fax: 209-862-0113

Bargaining Unit Date: 02/13/2018

Name: Newman Crows Landing Teachers’ Association (NCLTA)

Representative: Hardy Reeves

Title: President

Position: Neutral

**California Department of Education**

**Revised 1-19-2018**

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Administrator

SELPA / District / COE Name: Newman-Crows Landing Unified School District

Name of Resource Specialist: Norlissa Clark

School / District Assignment: Hunt Elementary and Bonita Elementary

Status: Permanent, Probation or Temporary: Permanent

Number of Students: 21&9

Caseload proposed number of students: up to 32

Full time Equivalent (FTE%): 100%

Number of periods or hours taught by Resource Specialist: 6.5 Hours

Average number of students per hour taught: Approximately 5 students

Indicate amount of Instructional Aide time hours to be provided to this resource specialist with this waiver: 5.5 & 6.5

**Note: At least 5 hours of aide time is required when the caseload is over 28, per *CCR*, Title 5, Section 3100(d)(2).**

Provide assurance that the waiver will not hinder the implementation of a student’s individualized educational program (IEP) for all students involved with the waiver or compliance with specified federal law, per *CCR*, Title 5, Section 3100(d): The waiver will not hinder the implementation of a student’s individualized educational program as the students above the 28 caseload limit will either be serviced within already existing instructional groups, will be serviced within a new instructional group within the case manager’s schedule, or will be serviced by as instructional support staff member with oversight from the credentialed case manager.

Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per *CCR*, Title 5, Section 3100(d): Extraordinary program circumstances resulting in the request for excess caseload include an influx of students moving in our district area with IEPs in place from other SELPAs, and as well as elementary student enrollment increasing significantly during the school year due to new housing developments in the area.

Indicate how your plan of action to resolve conditions by the time the waiver expires or is denied by the SBE, per CCR, Title 5, Section 3100(d)(1): Plan of action to resolve conditions by the time the waiver expires is providing caseload support and sharing from another credentialed case manager within the district for this school year, if needed. Next year, there is a plan for adding another credentialed case manager district wide.

Administrator/Designee Name and title: Alyssa Souza, Program Specialist

Telephone number (and extension): 209-862-2933

Date: 2/9/2018

## Specific Waiver Request for Resource Specialist Caseload

### To be completed by the Resource Specialist (Teacher)

Name: Norlissa Clark

Assigned at: Hunt Elementary and Bonita Elementary

Is the information in Items 1 through 12 on the attached SW \_ RSC \_ Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students? Yes or No: Yes

If not, please state where you believe these facts or numbers differ.

Will all students served receive all of the services called for in their IEP’s? Yes or No: Yes

Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs? Please explain:

Yes, students will be seen by the RSP teacher or under the supervision of the RSP teacher.

Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Please explain:

Yes, I have aide support throughout the day.

*EC* Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR*, Title 5, Section 3100. Regulations allow your agency to request a waiver of the *EC*, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark next to the correct line:

AGREE X to the increase in my student caseload from 28 students to not more than

32 students.

DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

Indicate a check mark on the appropriate line:

I did not have a student caseload of more than 28 during the last school year. X

I did have a student caseload of more than 28 during the last school year.

If yes, please respond below:

1. Did you have an approved waiver for this caseload? Yes or No: No
2. Specify which months / weeks you were over caseload: From/to:
3. Other pertinent information:

I have had a student caseload of more than 28 for more than two consecutive years. Yes or No: No

Instructional Aide time currently receiving: Hours (prior to increased caseload): 5.5 & 6.5

Any additional Aide time with this waiver? 0 Total hours after increase: 5.5 & 6.5

I hereby certify that the information provided on this application is true and correct (please initial): NC

Date: 02/13/18

Telephone number (and extension): 209-862-1020