

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education July 2019 Agenda Item #W-15

## Subject

Request by **14 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

* Alpine Union Elementary School District 5-4-2019
* Amador County Office of Education 10-4-2019
* El Centro Elementary School District 2-3-2019
* Gateway Unified School District 12-4-2019
* Hanford Elementary School District 1-3-2019
* Imperial County Office of Education 4-3-2019
* Imperial Unified School District 16-3-2019
* Keyes Union School District 17-4-2019
* Lake County Office of Education 13-4-2019
* Manteca Unified School District 5-3-2019
* Mariposa County Office of Education 1-4-2019
* San Bernardino County Office of Education 10-3-2019
* Shasta County Office of Education 19-3-2019
* Westmorland Union Elementary School District 11-4-2019

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by 14 local educational agencies (LEAs) to provide instruction in fewer than the 20 school days required by law for extended school year (ESY). Each LEA proposes an alternate schedule that will allow them to provide the minimum number of hours required, but in fewer days.

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

## Authority for Waiver

*Education Code (EC)* Section 33050

## Recommendation

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

The California Department of Education recommends the State Board of Education (SBE) approve the request from 14 LEAs to provide ESY services for fewer than 20 days with the condition program hours are consistent with those provided to the general education enrollment at the same grade level unless an IEP specifies otherwise. Also, special education and related services offered during the ESY period must be comparable in standards, scope, and quality to the special education program offered during the regular academic year as required by *California Code of Regulations (CCR),* Title 5, Section 3043.

## Summary of Key Issues

### Alpine Union Elementary School District 5-4-2019

The Alpine Union Elementary School District (AUESD) proposes to provide ESY services utilizing a 15-day program of 5 hours and 30 minutes per day totaling 82 hours and 30 minutes. The proposed schedule will provide more program time than a 20-day ESY schedule. The AUESD states they would like to have a more intensive ESY program with improved attendance and a stronger ability to recruit effective teachers. As a rural district, they believe having a shortened ESY schedule will lead to increased attendance and a deeper opportunity to provide learning experiences for students with special needs. Additionally, through the years parents have requested a shorter ESY program.

Demographic Information: The AUESD has a student population of 1,660 and is located in a rural area in San Diego County.

### Amador County Office of Education 10-4-2019

The Amador County Office of Education (ACOE) proposes to provide ESY services utilizing a 16-day program of 4 hours and 45 minutes per day totaling 76 hours. The proposed schedule includes the Fourth of July holiday, and will provide the same amount of program time as a 20-day ESY schedule that includes the holiday. The ACOE states the shortened ESY schedule will help them obtain highly qualified teachers and trained staff, and will support program cost savings.

Demographic Information: The ACOE has a student population of 4,204 and is located in a rural area in Amador County.

### El Centro Elementary School District 2-3-2019

The El Centro Elementary School District (ECESD) proposes to provide ESY services utilizing a 16-day program of 4 hours and 45 minutes per day totaling 76 hours. The proposed schedule includes the Fourth of July holiday, and will provide the same amount of program time as a 20-day ESY schedule that includes the holiday. The ECESD states the proposed schedule allows for better alignment with their summer hours of operation, and will support student attendance with providing a longer school day that extends daily instructional time. They believe this schedule will allow them to maximize student learning and attendance and it will support program cost savings.

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

### Gateway Unified School District 12-4-2019

The Gateway Unified School District (GUSD) proposes to provide ESY services utilizing a 15-day program of 5 hours and 20 minutes per day totaling 80 hours. The proposed schedule will provide the same amount of program time as a 20-day ESY schedule. The GUSD states they participate in a collaborative with two other school districts to provide ESY services to eligible students in preschool through high school. They serve a large geographical region that requires long bus rides for students, many who are medically fragile. Most students require designated instructional services which are difficult to provide in a traditional four-hour day. The proposed shortened schedule with longer school days better supports their ESY students.

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

### Hanford Elementary School District 1-3-2019

The Hanford Elementary School District (HESD) proposes to provide ESY services utilizing a 14-day program of 5 hours and 45 minutes per day, totaling 80 hours and 30 minutes. The proposed schedule will provide more program time than a 20-day ESY schedule. The HESD states this schedule will align with the general education enrichment program providing students with opportunities to interact and mainstream with typical peers. It will give ESY teachers the opportunity to attend professional development opportunities in the months of July and early August. In addition, the program will not be scheduled during the hotter month of July when the Air Quality Index is more likely to be in the unhealthy range for students with sensitive health conditions.

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

### Imperial County Office of Education 4-3-2019

The Imperial County Office of Education (ICOE) proposes to provide ESY services utilizing a 17-day program of 4 hours and 43 minutes per day, totaling 80 hours and 11 minutes, and a 15-day program of 5 hours and 20 minutes per day, totaling 80 hours. The proposed ESY schedules will provide the same or more program time as a 20-day ESY schedule, and allows the ICOE program to better align with their ESY host districts’ summer operation hours. The ICOE states that aligning all ICOE ESY programs to the host district programs will reduce summer operational costs for both ICOE and hosting districts.

Demographic Information: The ICOE has a student population of 423 and is located in a rural area in Imperial County.

### Imperial Unified School District 16-3-2019

The Imperial Unified School District (IUSD) proposes to provide ESY services utilizing a 14-day program of 5 hours and 45 minutes per day for students in grades pre-kindergarten–six, totaling 80 hours and 30 minutes, and a 17-day program for students in grades seven–12, totaling 80 hours and 45 minutes. The proposed schedule will provide more program time than a 20-day ESY schedule. The IUSD states a reduction in attendance days will facilitate cost-effective operational costs and provide the same number of school days as the general education summer school program.

Demographic Information: The IUSD has a student population of 4,270 and is located in a rural area in Imperial County.

### Keyes Union School District 17-4-2019

The Keyes Union School District (KUSD) proposes to provide ESY services utilizing a 16-day schedule of 5 hours per day, totaling 80 hours of instruction. The proposed ESY schedule will provide the same amount of instruction as a 20-day ESY schedule. The KUSD states the proposed schedule aligns the ESY program and general education summer school programs which will help increase student attendance and be more convenient for families. In addition, aligning both summer programs will support efficient program cost savings.

Demographic Information: The KUSD has a district student population of 1,105 and is located in a rural area in Stanislaus County.

### Lake County Office of Education 13-4-2019

The Lake County Office of Education (LCOE) proposes to provide ESY services utilizing a 15-day program of 5 hours and 20 minutes per day, totaling 80 hours and 30 minutes. The proposed ESY schedule will provide more program time than a 20-day ESY schedule. The LCOE states that school closures due to fires caused them to add extra days to the end of the school year. The earliest date the ESY program can begin is June 10, 2019, with an ending date after the Fourth of July holiday. Family feedback indicates that most families will not have their children participate in ESY past the end of June. The proposed shortened schedule will help with ESY attendance and give families more vacation time before the beginning of the next school year.

Demographic Information: The LCOE has a student population of 36 and is located in a rural area in Lake County.

### Manteca Unified School District 5-3-2019

The Manteca Unified School District (MUSD) proposes to provide ESY services utilizing a 15-day program of 5 hours and 20 minutes per day, totaling 80 hours. The proposed ESY schedule will provide the same amount of program time as a 20-day ESY schedule. The MUSD states previous ESY programs have had low attendance rates, and a shortened ESY schedule may help maintain student attendance, improve participation of highly qualified staff, and lower operational costs. Both classified and certificated staff support the shortened ESY schedule.

Demographic Information: The MUSD has a student population of 24,000 and is located in an urban area in San Joaquin County.

### Mariposa County Office of Education 1-4-2019

The Mariposa County Office of Education (MCOE) proposes to provide ESY services utilizing a 13-day program of 6 hours and 15 minutes per day, totaling 81 hours and 25 minutes. The proposed schedule will provide more program time than a 20-day ESY schedule. The MCOE states the longer school day will align better with a typical school day, and fewer ESY days will result in substantial program costs savings.

Demographic Information: The MCOE has a student population of 45 and is located in a rural in Mariposa County.

### San Bernardino County Office of Education 10-3-2019

The San Bernardino County Office of Education (SBCOE) proposes to provide ESY services utilizing a 16-day program of 5 hours per day, totaling 80 hours. The proposed ESY schedule will provide the same amount of program time as a 20-day ESY schedule. The SBCOE and Desert/Mountain Operations (DMOPs) provides special education services to students in local school districts. These students, including those eligible for ESY, receive transportation and food services through the Hesperia Unified School District (HUSD). The HUSD requested an ESY waiver for the 2018–19 school year which did not include the students served by the SBCOE/ DMOPs. However, the SBCOE/ DMOPs is dependent upon the HUSD to provide eligible students with transportation and food services for ESY. The SBCOE is requesting this waiver to allow the SCOE/ DMOPs ESY schedule to match the HUSD schedule.

Demographic Information: The SBCOE has a student population of 5,243 and is located in an urban area in Shasta County.

### Shasta County Office of Education 19-3-2019

The Shasta County Office of Education (SCOE) proposes to provide ESY services utilizing a 15-day program of 5 hours and 30 minutes per day, totaling 82 hours and 30 minutes. The proposed ESY schedule will provide more program time than a 20-day ESY schedule. The SCOE states the proposed schedule will align with other regional program operations providing intensive support in less time, and will reduce student travel time and program costs.

Demographic Information: The SCOE has a student population of 651 and is located in a rural area in Shasta County.

### Westmorland Union Elementary School District 11-4-2019

The Westmorland Union Elementary School District (WUESD) proposes to provide ESY services utilizing a 15-day program of 6 hours per day, totaling 90 hours. The proposed ESY schedule will provide more program time than a 20-day ESY schedule. The WUSD is located in the Imperial Valley where temperatures can reach over 120 degrees. The WUSD states that students do not want to attend an ESY program in July because of high temperatures. The proposed schedule with fewer ESY days will promote better student attendance.

Demographic Information: The WUSD has a student population of 402 and is located in a rural area in Imperial 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.

## Fiscal Analysis (as appropriate)

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

## Attachment(s)

* **Attachment 1:** Summary Table (11 pages)
* **Attachment 2:** Alpine Union Elementary School District General Waiver Request 5-4-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Amador County Office of Education General Waiver Request

10-4-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 4:**  El Centro Elementary School District General Waiver Request 2-3-2019 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Gateway Unified School District General Waiver Request

12-4-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 6:** Hanford Elementary School District General Waiver Request

1-3-2019 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 7:** Imperial County Office of Education General Waiver Request

4-3-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 8:** Imperial Unified School District General Waiver Request   
  16-3-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 9:** Keyes Union School District General Waiver Request

17-4-2019 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 10:** Lake County Office of Education General Waiver Request   
  13-4-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 11:** Manteca Unified School District General Waiver Request   
  5-3-2019 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 12:** Mariposa County Office of Education General Waiver Request 1 -4-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 13:** San Bernardino County Office of Education General Waiver Request 10-3-2019 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 14:** Shasta County Office of Education General Waiver Request 19-3-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 15:** Westmorland Union Elementary School District General Waiver Request 11-4-2019 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

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

| Waiver Number | District | Period of Request | District’s Request | CDE Recommended | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 5-4-2019 | Alpine Union Elementary School District | **Requested:**  June 17, 2019, to July 5, 2019  **Recommended:**  June 17, 2019, to July 5, 2019 | To provide a 15-day extended school year (ESY) program instead of a 20-day ESY program | Approval with conditions to allow the local educational agency (LEA) to provide a 15-day ESY program instead of a 20-day ESY program | Alpine Teachers Association, Linda Ramos, President 3/11/2019 Support  California School Employee Association (CSEA), Leslie Perricone, President 3/15/2019 Support | 4/10/2019 | The LEA may not provide a 15-day ESY program |
| 10-4-2019 | Amador County Office of Education | **Requested:**  June 10, 2019, to July 5, 2019  **Recommended:**  June 10, 2019, to July 5, 2019 | 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 | CSEA 827,  Rick Herendeen, President 3/14/2019 Support  Special Educators of Amador County,  Rachel  Shaw-Escalona, President 3/15/2019 Support | 4/10/2019 | The LEA may not provide a 16 day ESY program |
| 2-3-2019 | El Centro Elementary School District | **Requested:**  June 11, 2019, to July 5, 2019  **Recommended:**  June 11, 2019, to July 5, 2019 | 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 Teachers Association,  Shealyn Smith Barker,  President  1/29/2019  Support | 2/12/2019 | The LEA may not provide a 16-day ESY program |
| 12-4-2019 | Gateway Unified School District | **Requested:**  June 10, 2019, to June 28, 2019  **Recommended:**  June 10, 2019, to June 28, 2019 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  15-day ESY program instead of a 20-day ESY program | Gateway Teacher Association,  Julie Nagy,  President  9/26/2018  Support | 10/10/2018 | The LEA may not provide a 15-day ESY program |
| 1-3-2019 | Hanford Elementary School District | **Requested:**  June 11, 2019, to June 28, 2019  **Recommended:**  June 11, 2019, to June 28, 2019 | To provide a 14-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  14-day ESY program instead of a 20-day ESY program | CSEA #344,  Ron Riso,  President  1/28/2019  Support  Hanford Elementary Teachers Association,  April Silva  President  2/1/2019  Support | 2/27/2019 | The LEA may not provide a 14-day ESY program |
| 4-3-2019 | Imperial County Office of Education | **Requested:**  June 11, 2019, to July 5, 2019  **Recommended:**  June 11, 2019, to July 5, 2019 | To provide 17-day and 15-day ESY programs instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide 17-day and 15-day ESY programs instead of a 20-day ESY program | Imperial County Office of Education Teacher Association,  Barbara McAndrews,  President  3/6/2019  Support  CSEA, Ruby Tagaban,  President,  3/8/2019  Support | 3/11/2019 | The LEA may not provide 17-day and 15 day ESY programs |
| 16-3-2019 | Imperial Unified School District | **Requested:**  June 11, 2019, to July 3, 2019  **Recommended:**  Actual program dates:  June 11, 2019, to June 28, 2019, for grades pre-kindergarten–six  June 11, 2019–July 3, 2019, for grades seven–twelve | To provide 14-day and 17-day ESY programs instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide 14-day and 17-day ESY programs instead of a 20-day ESY program | Imperial Teachers Association,  Willie Estes,  President  2/14/2019  Support | 3/14/2019 | The LEA may not provide 14-day and 17-day ESY programs |
| 17-4-2019 | Keyes Union School District | **Requested:**  June 1, 2019, to June 28, 2019  **Recommended:**  June 1, 2019, to June 28, 2019 | 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 | CSEA,  Mary Cantu,  President  4/5/2019  Support  Keyes Teachers Association,  Joni Valponi, Bargaining Unit President  Support | 4/9/2019 | The LEA may not provide a 16-day ESY program |
| 13-4-2019 | Lake County Office of Education (LCOE) | **Requested:**  June 10, 2019, to June 28, 2019  **Recommended:**  June 10, 2019, to June 28, 2019 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  15-day ESY program instead of a 20-day ESY program | LCOE does not have a teacher bargaining unit | 4/17/2019 | The LEA may not provide a 15-day ESY program |
| 5-3-2019 | Manteca Unified School District | **Requested:**  June 5, 2019, to June 26, 2019  **Recommended:**  June 5, 2019, to June 26, 2019 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  15-day ESY program instead of a 20-day ESY program | Manteca Educators Association,  Ken Johnson,  President  2/21/2019  Support  CSEA,  Jeff McLarty,  President of Chapter 50  2/26/2019  Support | 3/12/2019 | The LEA may not provide a 15-day ESY program |
| 1-4-2019 | Mariposa County Office of Education | **Requested:**  June 17, 2019, to July 5, 2019  **Recommended:**  June 17, 2019, to July 5, 2019 | To provide a 13-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  13-day ESY program instead of a 20-day ESY program | Mariposa County Teachers Association,  Alex Keeton,  President  2/22/2019  Support  Mariposa Chapter, CSEA,  John Stewart,  President  2/22/2019  Support | 3/14/2019 | The LEA may not provide a 13-day ESY program |
| 10-3-2019 | San Bernardino County Office of Education (SBCOE) | **Requested:**  June 3, 2019, to June 27, 2019  **Recommended:**  June 3, 2019, to June 27, 2019 | 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 | San Bernardino County Teachers Association,  Yvonne Molles,  President Elect  3/13/2019  Support  CSEA, Unit 633  Joe McCoy  President  3/14/2019  Support | 2/5/2019  Note: The SBCOE provided the date for the Hesperia Unified School District (HUSD) as they do not have a local board and collaborate with the HUSD for ESY. | The LEA may not provide a 16-day ESY program |
| 19-3-2019 | Shasta County Office of Education | **Requested:**  June 10, 2019, to June 28, 2019  **Recommended:**  June 10, 2019, to June 28, 2019 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  15-day ESY program instead of a 20-day ESY program | Shasta California Teachers Association,  Karin Lindsey,  President  2/12/2019  Support  Classified School Employees Association,  Debbie Stewart,  President  2/12/2019  Support | 2/20/2019 | The LEA may not provide a 15-day ESY program |
| 11-4-2019 | Westmorland Union Elementary School District | **Requested:**  June 10, 2019, to June 28, 2019  **Recommended:**  June 10, 2019, to June 28, 2019 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  15-day ESY program instead of a 20-day ESY program | Westmorland Teachers Association,  Michelle Padilla,  President  2/14/2019  Support  Note: Bargaining unit information was obtained during the waiver review. | 4/9/2019 | The LEA may not provide a 15-day ESY program |

Created by the California Department of Education

May 2019

# Attachment 2: Waiver 5-4-2019 Alpine Union Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3767967

Waiver Number: 5-4-2019

Active Year: 2019

Date In: 4/11/2019 11:08:49 AM

Local Education Agency: Alpine Union Elementary School District

Address: 2001 Tavern Rd

Alpine, CA 91901

Start: 6/17/2019

End: 7/5/2019

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 3043(d)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: Title V Education

Outcome Rationale: AUSD would like to have a more intensive program with improved attendance and a stronger ability to recruit effective teachers. Our experience has been that many of our students do not attended the full 4 weeks due to a variety of reasons and we have a very difficult time recruiting staff. As a rural district, we believe having a shorten extended school year will lead to increased attendance and a deeper opportunity to provide learning experiences for students with special needs. Additionally, we believe a shortened extended school year will provide a greater opportunity for recruitment for our teachers and classified staff including transportation. Through the years, parents have requested a shorter extended school year program. Lastly this will allow us to use our limited fleet of buses to accommodate our students.

Student Population: 1660

City Type: Rural

Public Hearing Date: 4/10/2019

Public Hearing Advertised: Board Agenda posted at each school site and on our website five (5) days in advance of Board meeting date.

Local Board Approval Date: 4/10/2019

Community Council Reviewed By: Senior Management Planning Committee and Cabinet.

Community Council Reviewed Date: 3/11/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Bobbi Burkett

Position: Assistant Superintendent, HR and Student Services

E-mail: [bburkett@alpineschools.net](mailto:bburkett@alpineschools.net" \o "Email address for Dr. Bobbi Burkett)

Telephone: 619-445-0802

Fax: 619-445-0802

Bargaining Unit Date: 03/11/2019

Name: Alpine Teachers Association

Representative: Linda Ramos

Title: ATA President

Position: Support

Bargaining Unit Date: 03/15/2019

Name: CSEA

Representative: Leslie Perricone

Title: CSEA President

Position: Support

# Attachment 3: Waiver 10-4-2019 Amador County Office of Education

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 0310033

Waiver Number: 10-4-2019

Active Year: 2019

Date In: 4/16/2019 11:07:55 AM

Local Education Agency: Amador County Office of Education

Address: 217 Rex Ave.

Valley Springs, CA 95252

Start: 6/10/2019

End: 7/5/2019

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 5 *CCR* § 3043

Ed Code Authority: 33050

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

Outcome Rationale: The Amador County Office of Education (ACOE) is requested a waiver to the California Department of Education to provide flexibility in the delivery of Extended School Year (ESY) services for special education students who qualify based on their IEP. California *Education Code* requires twenty (20) days of services provided for ESY. ACOE is requesting to operate a four-week ESY program for sixteen days at four (4) days per week for four hours and forty-five minutes (4.75) hours per day (16 days x 4.75=76 hours). ACOE will provide the same number of instructional hours (76 hours) as provided within a 20 instructional day calendar, including holidays (19 days x 4 hours=76 hours). The overall instructional minutes will remain the same; however, there will be a reduction in days of attendance to 16 days over a four week period in order to:

1) Increase the likelihood of obtaining highly qualified and trained classroom teachers and staff for ESY.

2) Will facilitate cost-effective services and reduce related costs for transportation, utilities, custodial services, food services, administration, and clerical costs

Student Population: 4204

City Type: Rural

Local Board Approval Date: 4/10/2019

Community Council Reviewed By:

Community Council Reviewed Date:

Community Council Objection:

Community Council Objection Explanation:

Audit Penalty Yes or No: N o

Categorical Program Monitoring: No

Submitted by: Ms. Mitzi Faulkner

Position: Assistant Superintendent, Special Education/SELPA

E-mail: [mfaulkner@amadorcoe.k12.ca.us](mailto:mfaulkner@amadorcoe.k12.ca.us)

Telephone: 209-257-5306

Fax: 209-257-5385

Bargaining Unit Date: 03/14/2019

Name: CSEA 827

Representative: Rick Herendeen

Title: CSEA 827 President

Position: Support

Bargaining Unit Date: 03/15/2019

Name: Special Educators of Amador County

Representative: Rachel Shaw-Escalona

Title: SEAC President

Position: Support

# Attachment 4: Waiver 2-3-2019 El Centro Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1363123

Waiver Number: 2-3-2019

Active Year: 2019

Date In: 3/6/2019 6:05:42 PM

Local Education Agency: El Centro Elementary School District

Address: 1256 Broadway

El Centro, CA 92243

Start: 6/11/2019

End: 7/5/2019

Waiver Renewal: Yes

Previous Waiver Number: 20-3-2018-W-18

Previous SBE Approval Date: 7/16/2018

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 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 11, 2019 through July 5, 2019. 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, food service 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: 675

City Type: Rural

Public Hearing Date: 2/12/2019

Public Hearing Advertised: In the local newspaper

Local Board Approval Date: 2/12/2019

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 3/5/2019

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, Spec. Ed. & Student Services

E-mail: [jlau@ecesd.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2019\05-May%20SBE%20Meeting\jlau@ecesd.org)

Telephone: 760-352-5712 x8534

Bargaining Unit Date: 01/29/2019

Name: El Centro Elementary Teacher's Association

Representative: Shealyn Smith Barker

Title: *EC*ETA President

Position: Support

# Attachment 5: Waiver 12-4-2019 Gateway Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4575267

Waiver Number: 12-4-2019

Active Year: 2019

Date In: 4/17/2019 1:38:06 PM

Local Education Agency: Gateway Unified School District

Address: 4411 Mountain Lakes Blvd.

Anderson, CA 96007

Start: 6/10/2019

End: 6/28/2019

Waiver Renewal: Yes

Previous Waiver Number: 4-3-2018-W-18

Previous SBE Approval Date: 7/11/2018

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: Requested by Gateway Unified School District to waive *CCR* Title 5.Section 3043 (d) which requires the minimum 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 participates in a collaborative with two other school districts to provide ESY services to SPED student preschool through 8th grade as well s 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 students require DIS Services which is difficult in a 4 hour day. the district is proposing that we decrease the number of minutes of services while increasing the length of the school day to ensure the number of minutes of services to student remains the same as a 20 day program.

Student Population: 2439

City Type: Rural

Public Hearing Date: 10/10/2018

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

Local Board Approval Date: 10/10/2018

Community Council Reviewed By: District Advisory Council

Community Council Reviewed Date: 10/26/2018

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\2019\05-May%20SBE%20Meeting\jharrell@gwusd.org)

Telephone: 530-225-7900

Fax: 530-245-7920

Bargaining Unit Date: 09/26/2018

Name: Gateway Teacher Association

Representative: Julie Nagy

Title: GTA President

Position: Support

# Attachment 6: Waiver 1-3-2019 Hanford Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1663917

Waiver Number: 1-3-2019

Active Year: 2019

Date In: 3/4/2019 2:01:10 PM

Local Education Agency: Hanford Elementary School District

Address: 714 North White St.

Hanford, CA 93230

Start: 6/11/2019

End: 6/28/2019

Waiver Renewal: Yes

Previous Waiver Number: 32-2-2017-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

Ed Code Authority: *CCR* 3043 (d)

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

Outcome Rationale: We are located in the San Joaquin Valley in a rural community. In the later part of the summer, the heat can soar to above 110 degrees, causing the afternoons to be unbearable. These hot summer days can be difficult for students to actively participate in leaning with such heat. Nor to mention when the Air Quality Index is in the unhealthy range, especially for our students with significant disabilities and health conditions. In addition, the heat causes great strain on already overworked air conditioning units. Prior to a successful waiver application in the past, we saw a dramatic decrease in the number of students who began the program and remain for the duration of the summer, mainly due to the heat and the length of the program was too much for them to manage during the hot summers in the San Joaquin Valley. Both parents an students have reported that the heat and the length of the program was too much for them to manage during the hot summer months. With the implementation of the waiver the program adjustment, we saw the number of student participation remain consistent and the level of participation remain steady. In addition, our ESY program aligned with the general education enrichment program dates that are operated by the District, allowing our special education students with opportunities to interact and mainstream with typical peers during our ESY program. Finally, qualified staff that teach our mild to moderate and moderate to severe students is limited. With such limited staff, the teachers are often left with little opportunity to participate in District offered professional development that take place during the summer months, as they are teaching in the ESY program. This restricts professional development opportunities to our special education staff throughout the month of June and into the first week of July without the waiver. These professional development opportunities are opportunities for professional learning that our special education teachers so desire. As such, the District is requesting that the waiver be approved to allow our ESY program to operate from June 11, 2091-June 28, 2019 from 8:00 a.m. to 1:45 p.m. This meets the required 80 hours of instruction. As well, allows the program not to run into the hotter month of July, align with general education summer enrichment programs and provides special education teachers with the opportunity to take full advantage of professional development opportunities provided by the District througout th emonths of July and early August.

Student Population: 450

City Type: Rural

Public Hearing Date: 2/27/2019

Public Hearing Advertised: Board Agenda (posted to the public)

Local Board Approval Date: 2/27/2019

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

Community Council Reviewed Date: 2/27/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Karen McConnell

Position: Assistant Superintendent

E-mail: [kmcconnell@hanfordesd.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2019\05-May%20SBE%20Meeting\kmcconnell@hanfordesd.org)

Telephone: 559-585-3617

Fax: 559-585-2250

Bargaining Unit Date: 01/28/2019

Name: California School Employees Association #344

Representative: Ron Riso

Title: President

Position: Support

Bargaining Unit Date: 02/01/2019

Name: Hanford Elementary Teachers Association

Representative: April Silva

Title: President

Position: Support

# Attachment 7: Waiver 4-3-2019 Imperial County Office of Education

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 1310132

Waiver Number: 4-3-2019

Active Year: 2019

Date In: 3/12/2019 2:21:26 PM

Local Education Agency: Imperial County Office of Education

Address: 1398 Sperber Rd.

El Centro, CA 92243

Start: 6/11/2019

End: 7/5/2019

Waiver Renewal: Yes

Previous Waiver Number: 14-5-2018-w-13

Previous SBE Approval Date: 9/7/2018

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

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

Ed Code or *CCR* to Waive: The ICOE Special Education Program is requesting a waiver to *CCR*, Title 5, 3043(d). Title 5 *California Code of Regulations* 3043(d) requires, "An extended year program shall be provided for a minimum of 20 instructional days, including holidays."

Outcome Rationale: The ICOE Special Education Program is requesting a waiver to *CCR*, Title 5, 3043(d). Title 5 *California Code of Regulations* 3043(d) requires, "An extended year program shall be provided for a minimum of 20 instructional days, including holidays."

The Special Education Department is proposing two calendars for the ICOE Special Education program. ESY #1 is comprised of 17 days at 283 minutes per day. ESY #2 is comprised of 15 days at 320 minutes per day. This proposed schedule contains the same number of required total instructional minutes and allows for better alignment with the ICOE summer operation hours and the host districts. By aligning all ICOE SH extended school year programs to host district programs, it reduces the summer operational supports needed to run these classrooms for both ICOE and hosting districts.

Student Population: 423

City Type: Rural

Local Board Approval Date: 3/11/2019

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Kurt Leptich

Position: Senior Director

E-mail: [kleptich@icoe.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2019\05-May%20SBE%20Meeting\kleptich@icoe.org)

Telephone: 760-312-6427

Bargaining Unit Date: 03/08/2019

Name: California School Employees Association

Representative: Ruby Tagaban

Title: President

Position: Support

Bargaining Unit Date: 03/06/2019

Name: Imperial County of Education Teacher Association

Representative: Barbara McAndrews

Title: President

Position: Support

# Attachment 8: Waiver 16-3-2019 Imperial Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1363164

Waiver Number: 16-3-2019

Active Year: 2019

Date In: 3/19/2019 11:52:13 AM

Local Education Agency: Imperial Unified School District

Address: 219 North E St.

Imperial, CA 92251

Start: 6/11/2019

End: 7/3/2019

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 3043 (d)

Ed Code Authority: *California Code of Regulations*

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

Outcome Rationale: Imperial Unified School District is proposing to operate the following program:

TK-6th grade: June 11 through June 28 (14 days) 5hours 45 minutes of daily instruction.

7th-12th grade: June11 through July 3 (17 school days) 4hours 45 minutes of daily instruction.

There will be a reduction in days of attendance to facilitate cost-effective services within the classroom and reduce cost of transportation, electricity, custodial services, administration, etc.

Extended school year will be the same number of days as the general education students.

Student Population: 4270

City Type: Rural

Public Hearing Date: 3/14/2019

Public Hearing Advertised: Notice posted at each school site,District Office, Special Education Office as well electronic notication to parents via parent portal

Local Board Approval Date: 3/14/2019

Community Council Reviewed By: School Site Council, DELAC

Community Council Reviewed Date: 2/15/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Hector Coronel

Position: Director Special Education

E-mail: [hcoronel@imperialusd.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2019\05-May%20SBE%20Meeting\hcoronel@imperialusd.org)

Telephone: 760-355-3262

Fax: 760-355-4511

Bargaining Unit Date: 02/14/2019

Name: Imperial Teachers Association

Representative: Willie Estes

Title: ITA President

Position: Support

# Attachment 9: Waiver 17-4-2019 Keyes Union School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 5071134

Waiver Number: 17-4-2019

Active Year: 2019

Date In: 4/23/2019 7:55:33 AM

Local Education Agency: Keyes Union School District

Address: 4801 Lucinda Ave.

Keyes, CA 95328

Start: 6/1/2019

End: 6/28/2019

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 3043

Ed Code Authority: LEA

*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

The strike-out on the preceding 3043(d) indicates the exact language being waived but is still valid.

Outcome Rationale: General education summer school is conducting sessions 4 days per week and 5 hours per day to increase attendance. The district would like to align the session times with special education ESY sessions.

Student Population: 25

City Type: Rural

Public Hearing Date: 4/9/2019

Public Hearing Advertised: Local public posting

Local Board Approval Date: 4/9/2019

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 4/9/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Cyndi McDaniel

Position: Curriculum Director/Special Education

E-mail: [cmcdaniel@keyes.k12.ca.us](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2019\05-May%20SBE%20Meeting\cmcdaniel@keyes.k12.ca.us)

Telephone: 209-669-2921 x3610

Fax: 209-669-2923

Bargaining Unit Date: 04/05/2019

Name: CSEA

Representative: Mary Cantu

Title: Bargaining Unit President

Position: Support

Bargaining Unit Date: 04/05/2019

Name: KTA

Representative: Joni Valponi

Title: Bargaining Unit President

Position: Support

# Attachment 10: Waiver 13-4-2019 Lake County Office of Education

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1710173

Waiver Number: 13-4-2019

Active Year: 2019

Date In: 4/18/2019 10:09:15 AM

Local Education Agency: Lake County Office of Education

Address: 1152 South Main St.

Lakeport, CA 95422

Start: 6/10/2019

End: 6/28/2019

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 33050

Ed Code Authority: 33050

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

Outcome Rationale: The start of school was delayed a week due to the Mendocino Complex Fire. We decided not to do a waiver in order to provide 180 days of instruction. Then in November 2018 schools in Lake County were closed due to smoke and bad air quality. For this reason, the earlies that summer school can begin is Monday, June 10, 2019. This does not allow for 4 weeks of ESY before the July 4th holiday. Feedback from families has indicated that most families will not be sending their child to summer school (ESY) past the end of June. The extra days on the school calendar due to the fires in the fall has created an impact to our ESY summer services resulting in the following request.

Student Population: 28

City Type: Rural

Public Hearing Date: 4/17/2019

Public Hearing Advertised: LCOE website

Local Board Approval Date: 4/17/2019

Community Council Reviewed By: Governing Board - LCOE

Community Council Reviewed Date: 4/17/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Shelley Tan

Position: Principal

E-mail: [stan@lakecoe.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2019\05-May%20SBE%20Meeting\stan@lakecoe.org)

Telephone: 707-995-9523 x404

Fax: 707-995-9523

Bargaining Unit Date:

Name:

Representative:

Title:

Position:

# Attachment 11: Waiver 5-3-2019 Manteca Unified School District

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3968593

Waiver Number: 5-3-2019

Active Year: 2019

Date In: 3/13/2019 10:21:10 AM

Local Education Agency: Manteca Unified School District

Address: 2271 W. Louise Ave.

Manteca, CA 95337

Start: 6/5/2019

End: 6/26/2019

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

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

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

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

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

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

Outcome Rationale: Manteca USD proposes to provide ESY services utilizing a 15-day schedule of 5 hours and 20 minutes per day, totaling 80 hours of instruction. The proposed schedule will provide the required amount of instructional time as required by the California Department of Education, continue to allow for MUSD to address the regression and recoupment needs of identified students, and mirror the regular school day for the grade levels served. ESY during previous years has seen an inconsistent attendance rate (28% perfect attendance in 2018; 25% in 2017). It is hoped that a shortened ESY schedule will help maintain student attendance throughout the program, improve participation of highly qualified staff, as well as result in substantial operational cost savings. Both classified and certificated staff support this shortened ESY schedule.

Student Population: 24000

City Type: Urban

Local Board Approval Date: 3/12/2019Audit Penalty Yes or No: No

Community Council Reviewed By:

Community Council Reviewed By: Melinda Barrera, Community Advisory Committee Chair/Manteca Parent Representative

Community Council Reviewed Date: 3/13/2019

Community Council Objection: No

Community Council Objection Explanation: N/A

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Jody Burriss

Position: Coordinator of Special Education

E-mail: [jburriss@musd.net](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2019\07-July%20SBE%20Meeting\jburriss@musd.net)

Telephone: 209-858-0722

Bargaining Unit Date: 02/26/2019

Name: California School Employees Association (CSEA)

Representative: Jeff McLarty

Title: CSEA President of Chapter 50

Position: Support

Bargaining Unit Date: 02/21/2019

Name: Manteca Educators Association (MEA)

Representative: Ken Johnson

Title: MEA President

Position: Suppor

# Attachment 12: Waiver 1-4-2019 Mariposa County Office of Education

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2210223

Waiver Number: 1-4-2019

Active Year: 2019

Date In: 4/1/2019 11:10:08 AM

Local Education Agency: Mariposa County Office of Education

Address: 5082 Old Highway North

Mariposa, CA 95338

Start: 6/17/2019

End: 7/5/2019

Waiver Renewal: Yes

Previous Waiver Number: 16-3-2018

Previous SBE Approval Date: 7/11/2018

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: *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 to run Extended School Year (ESY) program to run for 13 days, including any holidays, instead of 20 days. The program will run for 6.25 hours for the period of June 17, 2019 - July 5, 2019. 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 fool service costs.

Student Population: 45

City Type: Rural

Public Hearing Date: 3/14/2019

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

Local Board Approval Date: 3/14/2019

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 2/13/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Amanda Johnson

Position: Director Special Services

E-mail: [cridenhour@mcusd.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2019\07-July%20SBE%20Meeting\cridenhour@mcusd.org)

Telephone: 209-742-0231

Fax: 209-742-0237

Bargaining Unit Date: 02/22/2019

Name: Mariposa County Teachers Association

Representative: Alex Keeton

Title: President

Position: Support

Bargaining Unit Date: 02/22/2019

Name: Mariposa CSEA

Representative: John Stewart

Title: President

Position: Support

# Attachment 13: Waiver 10-3-2019 San Bernardino County Office of Education

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3610363

Waiver Number: 10-3-2019

Active Year: 2019

Date In: 3/15/2019 3:07:32 PM

Local Education Agency: San Bernardino County Office of Education

Address: 601 North E St.

San Bernardino, CA 92415

Start: 6/3/2019

End: 6/27/2019

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *California Code of Regulations* Section 3043

Ed Code Authority: *California Code of Regulations*

*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: San Bernardino County Superintendent of Schools (SBCSS), Desert/Mountain Operations(DMOPs) provides Special Education services to students in local school districts at the request/referral from the local school districts.

At present, SBCSS DMOPs serves approximately 150 special education students in 13 classrooms located on general education campuses in Hesperia Unified School District. Students served range in age from 3 years to 22 years of age. All students remain students of Hesperia Unified School District, but are referred to SBCSS DMOPs for specialty special education services. SBCSS DMOPs does not provide transportation or food service to students enrolled in our programs, this is done through Hesperia Unified School District. Many of the students enrolled in SBCSS DMOPs programs are eligible for Extended School Year Services and SBCSS DMOPs must provide ESY.

For ESY 2018-19, Hesperia USD has requested a waiver to operate a 16 day (5 hour a day) ESY program across the district for their students. Hesperia USD Board of Education approved the 16 Day ESY at their February 5th, 2019 Board Meeting. This waiver request did not include those students served by SBCSS DMOPs at school sites within Hesperia USD. However, SBCSS DMOPs is dependent upon Hesperia USD for student transportation and food service and must be allowed to follow the same schedule for ESY. Hesperia USD will not operate transportation and food services on Fridays throughout the ESY period and the district will be completely shut down on Fridays.

SBCSS is requesting a waiver for ESY 2018-19 to match the Hesperia USD schedule. Rather than operate a 20 day (4 hour a day) ESY program, SBCSS seeks a waiver to operate a 16 day (5 hour a day) ESY program to match Hesperia USD. Students will receive an equal number of instructional minutes whether on a 16 Day or 20 Day schedule.

SBCSS DMOPs has informed the Collective Bargaining Units affected, as well as parents of the intent to operate a 16 day ESY to match Hesperia USD if waiver is approved.

Student Population: 150

City Type: Urban

Public Hearing Date:

Public Hearing Advertised:

Local Board Approval Date: 2/5/2019

Community Council Reviewed By:

Community Council Reviewed Date:

Community Council Objection:

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Richard Frederick

Position: Area Director, Desert/Mountain Operations SBCSS

E-mail: [richard.frederick@sbcss.net](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2019\07-July%20SBE%20Meeting\richard.frederick@sbcss.net)

Telephone: 760-955-3532

Fax: 760-646-8280

Bargaining Unit Date: 03/14/2019

Name: CSEA Unit 633

Representative: Joe McCoy

Title: President

Position: Support

Bargaining Unit Date: 03/13/2019

Name: San Bernardino County Teachers Association

Representative: Yvonne Molles

Title: President Elect, SBCTA

Position: Support

# Attachment 14: Waiver 19-3-2019 Shasta County Office of Education

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4510454

Waiver Number: 19-3-2019

Active Year: 2019

Date In: 3/25/2019 9:42:41 AM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Ave.

Redding, CA 96001

Start: 6/10/2019

End: 6/28/2019

Waiver Renewal: No

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 to provide Extended School Year services within 15 days of increased minutes, the time equal to the normally provided 20 days as required by *CCR*, Title 5, Section 4043(d). Services are to be provided in a 15 day period, 5.5 hours per day to align with other regional program operations 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: 2/20/2019

Public Hearing Advertised: Newspaper, website, school notices, public hearing at school board meeting

Local Board Approval Date: 2/20/2019

Community Council Reviewed By: Program Advisory Committee- SELPA; Shasta COE Board

Community Council Reviewed Date: 1/17/2019

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](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2019\07-July%20SBE%20Meeting\gmurphy@shastacoe.org)

Telephone: 530-410-6088 x2277

Bargaining Unit Date: 02/12/2019

Name: Child Development Educators Association

Representative: Joan Nuarez

Title: President

Position: Support

Bargaining Unit Date: 02/12/2019

Name: Classified School Employees Association

Representative: Debbie Stewart

Title: President

Position: Support

Bargaining Unit Date: 02/12/2019

Name: Shasta California Teachers Association

Representative: Karin Lindsey

Title: President

Position: Support

# Attachment 15: Waiver 11-4-2019 Westmorland Union Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1363230

Waiver Number: 11-4-2019

Active Year: 2019

Date In: 4/16/2019 5:17:44 PM

Local Education Agency: Westmorland Union Elementary School District

Address: 200 South C St.

Westmorland, CA 92281

Start: 6/10/2019

End: 6/28/2019

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 56101

Ed Code Authority: 3043

*Education Code* or *CCR* to Waive: Request by Westmorland Union Elementary School district t waive *California Code of Regulations*, Title 5, Section 3043(d), which requires a minimum of 20 school days for an extended school year (sumer school) for students with disabilities.

Outcome Rationale: Living in the Imperial Valley, where the temperature easily reaches over 120 degrees during the summer months, students do not want to attend school in July. Westmorland School will offer more than the required 100 hours in a three week period instead of 4 weeks. Our school day will begin at 8 am and end at 2 pm.

Student Population: 54

City Type: Rural

Public Hearing Date: 4/9/2019

Public Hearing Advertised: Internet, School Site, and Post Office

Local Board Approval Date: 4/9/2019

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 3/20/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Nancy Johnson

Position: Superintendent/Principal

E-mail: [n.johnson@wued.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2019\07-July%20SBE%20Meeting\n.johnson@wued.org)

Telephone: 760-344-4364 x2384

Fax: 760-344-7294

Bargaining Unit Date:

Name:

Representative:

Title:

Position: