

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver Extended School Year

# California State Board of Education July 2020 Agenda Item #W-15

## Subject

Requests by eleven 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 21-3-2020
* Coachella Valley Unified School District 24-2-2020
* Gridley Unified School District 5-3-2020
* Imperial County Office of Education 13-3-2020
* Imperial Unified School District 19-3-2020
* North Monterey County Unified School District 6-3-2020
* Paramount Unified School District 11-3-2020
* Santa Maria-Bonita School District 16-3-2020
* Shasta County Office of Education 14-4-2020
* Sweetwater Unified School District 14-2-2020
* Tuolumne County Superintendent of Schools 21-2-2020

## Type of Action

Action

## Summary of the Issue(s)

Eleven local educational agencies (LEAs) requested to provide instruction in fewer than the 20 school days required by law for extended school year (ESY). Please note these waivers are retroactive as the ESY programs have already taken place. Each LEA provided an alternate schedule showing they provided 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 requests from eleven LEAs to provide ESY services for fewer than 20 days as their programs met the following conditions as required by *California Code of Regulations (CCR),* Title 5, Section 3043:

* School day hours are consistent with those provided to the general education enrollment at the same grade level unless an IEP specifies otherwise.
* The 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.

## Summary of Key Issues

### Alpine Union Elementary School District (AUESD) 21-3-2020

The AUESD provided ESY services utilizing a 15-day schedule of 5 hours and 30 minutes per day totaling 80 hours and 32 minutes of program time. This schedule provided more program time than a 20-day ESY schedule.

The AUESD requested this waiver because they had a shortened ESY program through a waiver last year which helped them to recruit effective teachers and staff and increased student attendance. Last year’s program allowed them the opportunity to provide students with a deeper learning experience.

Demographic Information: The AUESD has a student population of 1,664 and is located in a rural area in Alpine County.

### Coachella Valley Unified School District (CVUSD) 24-4-2020

The CVUSD provided ESY services utilizing a 15-day schedule of 6 hours per day, totaling 90 hours of program time. This schedule provided more program time than a 20-day ESY schedule.

The CVUSD stated the shortened ESY schedule better accommodates their students who live in a large geographical area and enables them to recruit highly qualified ESY staff. It allows the CVUSD to hold the program at the same school sites as general education students attend, facilitating student interaction with their general education peers.

Demographic Information: The CVUSD has a student population of 18,013 per DataQuest, and is located in a rural area in Riverside County.

### Gridley Unified School District GUSD) 5-3-2020

The GUSD provided ESY services utilizing a 15-day schedule of 5 hours and 30 minutes per day, totaling 82 hours and 30 minutes of program time. This schedule provided more program time than a 20-day ESY schedule.

The GUSD stated the ESY schedule closely aligned with the Butte County of Education ESY schedule allowing transportation and support staff to work together to coordinate calendars. A shortened schedule encourages parents and staff to participate in the program and promotes increased student attendance.

Demographic Information: The GUSD has a student population of 2,100 and is located in a rural area in Butte County.

### Imperial County Office of Education (ICOE) 13-3-2020

The Imperial County Office of Education (ICOE) provided ESY services utilizing an 18-day program of 4 hours and 30 minutes per day, totaling 81 hours, and a 15-day program of 5 hours and 20 minutes per day, totaling 80 hours.

The ICOE stated the shortened ESY programs provide the same or more amounts of program time as a 20-day ESY schedule, and allows the ICOE program to better align with their ESY host districts’ summer operation hours. Aligning all ICOE ESY programs to the host district programs reduces summer operational costs for both ICOE and hosting districts.

Demographic Information: The ICOE has a student population of 760 per DataQuest and is located in a rural area in Imperial County.

### Imperial Unified School District (IUSD) 19-3-2020

The IUSD provided ESY services utilizing an 18-day schedule of 4 hours and 27 minutes per day, totaling 80 hours and 6 minutes of program time. This schedule provided more program time than a 20-day ESY schedule.

The IUSD stated the shortened schedule facilitates cost-effective services within classrooms and increased fiscal savings by reducing program costs.

Demographic Information: The IUSD has a student population of 4,337 and is located in a rural area in Imperial County.

### North Monterey County Unified School District (NMCUSD) 6-3-2020

The NMCUSD provided ESY services utilizing a 16-day schedule of 5 hours per day, totaling 80 hours of program time. This schedule provided the same amount of program time as a 20-day ESY schedule.

The NMCUSD stated they determined they needed to align their ESY program to the regular general education summer school program to be able to provide appropriate staff and facilities for the program.

Demographic Information: The NMCUSD has a district student population of 4,595 per DataQuest and is located in a rural area in Monterey County.

### Paramount Unified School District (PUSD) 11-3-2020

The PUSD provided ESY services utilizing a 16-day schedule of 5 hours per day, totaling 80 hours of program time. This schedule provided the same amount of program time as a 20-day ESY schedule.

The PUSD stated the shortened ESY schedule supports greater success with the recruitment of special education teachers and paraeducators and increased student attendance. The increased instructional hours per day provides more concentrated student instruction with fewer transitions. The schedule aligns with general education summer school allowing students to engage with typically developing peers.

Demographic Information: The PUSD has a student population of 14,328 and is located in an urban area in Los Angeles County.

### Santa Maria-Bonita School District (SMBSD) 16-3-2020

The SMBS provided ESY services utilizing an 18-day schedule of 4 hours and 30 minutes per day, totaling 81 hours of program time. This schedule provided more program time than a 20-day ESY schedule.

The SMBSD stated the shortened schedule improves participation of highly qualified staff and student attendance, and decreases the impact on services and support staff. It aligns the ESY with other District summer institutes and offerings and may increase attendance as shown in similar districts who have utilized this configuration. Fewer ESY days will also have an operational cost savings.

Demographic Information: SMBSD has a student population of 16,959 and is located in a rural area in Santa Barbara County.

### Shasta County Office of Education (SCOE) 14-4-2020

The SCOE provided ESY services utilizing a 15-day schedule of 5 hours and 30 minutes per day, totaling 82 hours and 30 minutes of program time. This schedule provided more program time than a 20-day ESY schedule.

The SCOE stated the shortened schedule aligns with other regional program operations providing intensive support in less time. This schedule reduces the travel time for students and program costs to districts.

Demographic Information: The SCOE has a student population of 807 per DataQuest and is located in a rural area in Shasta County.

### Sweetwater Union High School District (SUHSD) 14-2-2020

The SUHSD provided ESY services utilizing a 15-day schedule of 5 hours and 30 minutes per day, totaling 82 hours and 30 minutes of program time. This schedule provided more program time than a 20-day ESY schedule.

The SUHSD stated they operate a year-round schedule with a six-week summer break making it difficult for families and staff to commit to a four-week summer program. The shortened ESY schedule will help the SUHSD to recruit program staff and increase student participation. This schedule aligns with the general education summer session allowing the SUHSD to appropriately staff the program and provide services to all students across the District. In addition, a longer school day provides greater opportunity for instructional impact.

Demographic Information: The SUHSD has a student population of 39,904 per DataQuest and is located in an urban area in San Diego County.

### Tuolumne County Superintendent of Schools (TCSOS) 21-2-2020

The TCSOS provided ESY services utilizing a 15-day schedule of 5 hours and 30 minutes per day, totaling 82 hours and 30 minutes of program time. This schedule provided more program time than a 20-day ESY schedule.

The TCSOS stated they have significant challenges with ESY services due to their rural setting and the distances between schools. They anticipate a shortened ESY schedule will help to increase student attendance and learning, improve staff recruitment/participation, and promote parent participation.

Demographic Information: The TCSOS has a student population of 205 and is located in a rural area in Tuolumne County.

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

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

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

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

## Fiscal Analysis (as appropriate)

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

## Attachment(s)

* **Attachment 1:** Summary Table (7 pages)
* **Attachment 2:** Alpine Union Elementary School District General Waiver Request 21-3-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Coachella Valley Unified School District General Waiver Request 24-2-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Gridley Unified School District General Waiver Request

5-3-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

* **Attachment 5:** Imperial County Office of Education General Waiver Request 13-3-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6:** Imperial Unified School District General Waiver Request   
  19-3-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 7:** North Monterey County Unified School District General Waiver Request 6-3-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 8:** Paramount Unified School District General Waiver Request

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

* **Attachment 9:** Santa Maria-Bonita School District General Waiver Request 16-3-2020 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 10:** Shasta County Office of Education General Waiver Request 14-4-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 11:** Sweetwater Union High School District General Waiver Request 14-2-2020 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 12:** Tuolumne County Superintendent of Schools 21-2-2020 General Waiver Request (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

*California Code of Regulations (CCR),* Title 5, Section 3043(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 |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 21-3-2020 | Alpine Union Elementary School District | **Requested:**  June 17, 2020, to July 7, 2020  **Recommended:**  June 17, 2020, to July 7, 2020 | To provide a 15-day extended school year (ESY) program instead of a 20-day ESY program | Approval with conditions to allow the local educational agency (LEA) to provide a 15-day ESY program instead of a 20-day ESY program | Alpine Teachers Association,  Linda Ramos, President 2/24/2020 Support | 3/11/2020 | The LEA may not provide a 15-day ESY program |
| 24-3-2020 | Coachella Valley Unified School District | **Requested:**  June 8, 2020, to June 26, 2020  **Recommended:**  June 8, 2020, to June 26, 2020 | To provide a 15-day extended school year (ESY) program instead of a 20-day ESY program | Approval with conditions to allow the local educational agency (LEA) to provide a 15-day ESY program instead of a 20-day ESY program | Coachella Valley Teachers Association,  Carissa Carrerra, President  2/24/2020 Support | 3/122020 | The LEA may not provide a 15-day ESY program |
| 5-3-2020 | Gridley Unified School District | **Requested:**  June 8, 2020, to June 26, 2020  **Recommended:**  June 8, 2020, to June 26, 2020 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  15-day ESY program instead of a 20-day ESY program | Gridley Teachers Association,  Tracy Howell,  Chapter President 3/4/2020 Support | 2/11/2020 | The LEA may not provide a 15-day ESY program |
| 13-3-2020 | Imperial County Office of Education (ICOE) | **Requested:**  June 10, 2020, to July 3, 2020  **Recommended:**  June 10, 2020, to July 3, 2020  **Note:** The ESY programs fall within these dates | To provide 15-day and 18-day ESY programs instead of  20-day ESY programs | Approval with conditions to allow the LEA to provide 15-day and 18-day ESY programs instead of 20-day ESY programs | California Schools Employee Association #614,  Ruby Tagaban, President  3/4/2020 Support  ICOE Teachers Association, Barbara McAndrews, President  1/8/2020  Neutral | 3/9/2020 | The LEA may not provide 15-day and 18-day ESY programs |
| 19-3-2020 | Imperial Unified School District | **Requested:**  June 9, 2020, to July 2, 2020  **Recommended:**  June 9, 2020, to July 2, 2020 | To provide a 18-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  18-day ESY program instead of a 20-day ESY program | Imperial Teachers Association,  William Estes, President 1/24/2020 Support | 3/12/2020 | The LEA may not provide a 18-day ESY program |
| 9-2-2020 | North Monterey County Unified School District | **Requested:**  June 9, 2020, to June 30, 2020  **Recommended:**  June 9, 2020, to June 30, 2020 | To provide a 16-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  16-day ESY program instead of a 20-day ESY program | California School Employees Association, Chapter 6,  Ramon Torres, Chapter President 4/20/2020 Neutral  North Monterey County Federation of Teachers,  Kelly Moore, Chapter President 4/212020 Neutral | 2/27/2020 | The LEA may not provide a 16-day ESY program |
| 11-3-2020 | Paramount Unified School District | **Requested:**  June 15, 2020, to July 10, 2020  **Recommended:**  June 15, 2020, to July 10, 2020 | To provide a 16-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  16-day ESY program instead of a 20-day ESY program | California School Employees Association, Chapter 447 Brent McCarthy, Chapter President 1/23/2020 Support  Teacher Association of Paramount,  Kimberly Goforth, President 1/23/2020 Support | 3/19/2020 | The LEA may not provide a 16-day  ESY program |
| 16-3-2020 | Santa Maria-Bonita School District | **Requested:**  June 9, 2020, to July 2, 2020  **Recommended:**  June 9, 2020, to July 2, 2020 | To provide a 18-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  18-day ESY program instead of a 20-day ESY program | California School Employees Association, Matt Harris, President 3/9/2020 Neutral  Santa Maria Educators Association,  Jose Segura, President, 3/9/2020 Support | 3/11/2020 | The LEA may not provide a 18-day  ESY program |
| 14-4-2020 | Shasta County Office of Education | **Requested:**  June 8, 2020, to June 26, 2020  **Recommended:**  June 8, 2020, to June 26, 2020 | To provide a 15-day 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 | Classified School Employees Association,  Deborah Stewart, President 3/16/2020 Support  Shasta County Certified Employees Association, Tawnya Roessner, Chapter President 3/16/2020  Support | 2/12/2020 | The LEA may not provide a 15-day ESY program |
| 14-2-2020 | Sweetwater Union High School District | **Requested:**  June 8, 2020, to June 26, 2020  **Recommended:**  June 8, 2020, to June 26, 2020 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  15-day ESY program instead of a 20-day ESY program | Sweetwater Educators Association,  Gregg Cobb, President  5/7/2020  Support | **Local Board**  1/27/2020  **Public Hearing**  2/10/2020 | The LEA may not provide a 15-day ESY program |
| 21-2-2020 | Tuolumne Superintendent of Schools | **Requested:**  June 1, 2020, to June 30, 2021  **Recommended:**  June 1, 2020, to June 30, 2021 | To provide a 15-day ESY program instead of a 20-day ESY program | Approval with conditions to allow the LEA to provide a  15-day ESY program instead of a 20-day ESY program | Tuolumne County California School Employees Association,  Jane Cochran, President 2/21/2020 Support  Tuolumne County Special Educators Federation, Molly McGrew, President 2/21/2020 Support | 2/3/2020 | The LEA may not provide a 15-day ESY program |

Created by the California Department of Education: May 2020

# Attachment 2: Waiver 21-3-2020 Alpine Union Elementary School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3767967

Waiver Number: 21-3-2020

Active Year: 2020

Date In: 3/16/2020 1:02:57 PM

Local Education Agency: Alpine Union Elementary

Address: 2001 Tavern Rd

Alpine, CA 91901

Start: 6/17/2020

End: 7/5/2020

Waiver Renewal: Yes

Previous Waiver Number: 5-4-2019

Previous SBE Approval Date: 3/15/2019

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 3043 d

Ed Code Authority: 330501

*Education Code* or *CCR* to Waive: 3043.d

Outcome Rationale: We would like to have a more intensive program, as we did during our last Extended School Year Program. we felt that we had a stronger ability to recruit effective teachers and staff. Having a shortened program also leads to increased attendance and a deeper opportunity to provide learning experiences for students with special needs.

Student Population: 1664

City Type: Rural

Public Hearing Date: 3/11/2020

Public Hearing Advertised: Alpine Union School District Website and posted at each school site.

Local Board Approval Date: 3/11/2020

Community Council Reviewed By: Senior Management Planning Committee and Cabinet

Community Council Reviewed Date: 2/24/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Bobbi Burkett

Position: Asst. Supt. of HR and Student Services

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

Telephone: 619-445-3236 x803

Fax: 619-445-7045

Bargaining Unit Date: 02/24/2020

Name: Alpine Teachers Association

Representative: Linda Ramos

Title: ATA President

Phone: 619-445-8674

Position: Support

Comments:

Bargaining Unit Date: 02/24/2020

Name: California School Employees Association

Representative: Matt Busacco

Title: CSEA President

Phone: 619-445-5593

Position: Support

Comments

# Attachment 3: Waiver 24-2-2020 Coachella Valley Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3373676

Waiver Number: 24-2-2020

Active Year: 2020

Date In: 2/28/2020 3:23:26 PM

Local Education Agency: Coachella Valley Unified

Address: 87-225 Church St.

Thermal, CA 92253

Start: 6/8/2020

End: 6/26/2020

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 3043

Ed Code Authority: 33050

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

Outcome Rationale: The Coachella Valley Unified School District and Riverside County Office of Education County Programs proposes to provide ESY services utilizing an 15-day model of six hours, totallying 84 hours of instruction. The Coachella Valley USD serves a large geographical region and the proposed 15 day schedule will better accommodate the many students who require designated instructional services. Parents, students and staff support the shortened ESY schedule, and fewer ESY days will result in substantial savings in transportation, utilities, food services, janitorial, administration and clerical costs. This schedule will as well help the Coachella Valley Unified School district and the Riverside County Office of Education County Programs to hire highly qualified special education teachers currently employed by the district.

Student Population: 18000

City Type: Rural

Public Hearing Date: 2/27/2020

Public Hearing Advertised: District Website

Local Board Approval Date: 2/27/2020

Community Council Reviewed By: SEPAC(Parent Advisory Committee)

Community Council Reviewed Date: 2/24/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Jessica Houpt

Position: Coordinator

E-mail: [jason.goff@cvusd.us](mailto:jason.goff@cvusd.us)

Telephone: 760-848-1109

Fax:

Bargaining Unit Date: 02/24/2020  
Name: Coachella Valley Teachers Association  
Representative: Carissa Carrerra  
Title: President  
Phone: 760-619-9236  
Position: Support  
Comments:

# Attachment 4: Waiver 5-2-2020 Gridley Unified School District

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 0475507

Waiver Number: 5-3-2020

Active Year: 2020

Date In: 3/5/2020 9:35:49 AM

Local Education Agency: Gridley Unified

Address: 429 Magnolia St.

Gridley, CA 95948

Start: 6/8/2020

End: 6/26/2020

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Extended school year services shall be provided, in accordance with 34 C.F.R. section 300.106, for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have disabilities which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disabling condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the IEP team determines the need for such a program and includes extended school year in the IEP pursuant to subdivision (e).

Outcome Rationale: Gridley Unified proposes to provide Extended School Year (ESY) to identified special education students utilizing a 15 day, 5.5 hour per day instruction model. Students will received the same or greater number of instructional minutes as they would in a 20 day program.This will enable to District to align it's schedule to match, as closely as possible, the ESY program offered by the Butte County Office of Education (BCOE). BCOE provides support services to some of our students during ESY and coordinating calendars allows for close collaboration with the COE. Transportation and support service personnel will be able to work together with calendars that are closely aligned. Additionally, parents and staff report the likelihood to participate in ESY increases with the decrease in academic days over the summer.

Student Population: 2100

City Type: Rural

Local Board Approval Date: 3/4/2020

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Maggie Daugherty

Position: Director of Special Education

E-mail: [maggiedaugherty@gusd.org](mailto:maggiedaugherty@gusd.org)

Telephone: 530-846-6721

Fax: 530-846-4595

Bargaining Unit Date: 02/24/2020

Name: California School Employee Association

Representative: Debra Wood

Title: Chapter President

Phone: 530-870-1415

Position: Support

Comments:

Bargaining Unit Date: 03/04/2020

Name: Gridley Teacher Association

Representative: Tracy Howell

Title: GTA President

Phone: 5308463675

Position: Support

Comments:

# Attachment 5: Waiver 13-3-2020 Imperial County Office of Education

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1310132

Waiver Number: 13-3-2020

Active Year: 2020

Date In: 3/10/2020 2:43:35 PM

Local Education Agency: Imperial County Office of Education

Address: 1398 Sperber Rd.

El Centro, CA 92243

Start: 6/10/2020

End: 7/3/2020

Waiver Renewal: No

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: 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." 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.

Outcome Rationale: The Special Education Department is proposing two calendars for the ICOE Special Education program. ESY #1 is comprised of 18 days at 267 minutes per day. ESY #2 is comprised of 15 days at 320 minutes per day. 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: 665

City Type: Rural

Public Hearing Date: 3/9/2020

Public Hearing Advertised: Public posting

Local Board Approval Date: 3/9/2020

Community Council Reviewed By: School site council

Community Council Reviewed Date: 2/3/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Kurt Leptich

Position: Senior Director

E-mail: [kleptich@icoe.org](mailto:kleptich@icoe.org)

Telephone: 760-312-6427

Fax: 760-312-6530

Bargaining Unit Date: 03/04/2020

Name: California School Employees Association #614

Representative: Ruby Tagaban

Title: President

Phone: 760-312-6132

Position: Support

Comments:

Bargaining Unit Date: 01/08/2020

Name: Imperial County Office of Education Teachers Assoc

Representative: Barabara McAndrews

Title: President

Phone: 760-336-4444

Position: Support

Comments:

# Attachment 6: Waiver 19-3-2020 Imperial Unified School District

**California Department of Education**

**WAIVER SUBMISSION – General**

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1363164

Waiver Number: 19-3-2020

Active Year: 2020

Date In: 3/13/2020 12:49:53 PM

Local Education Agency: Imperial Unified

Address: 219 North E St.

Imperial, CA 92251

Start: 6/9/2020

End: 7/2/2020

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 District is proposing to operate a summer school program TK-12th grade for a total of 18 days (4hrs 27 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 program will be the same number of days as the general education.

Student Population: 4337

City Type: Rural

Public Hearing Date: 3/12/2020

Public Hearing Advertised: Notice posted at each school site as well as district Office, electronic notification via parent portal

Local Board Approval Date: 3/12/2020

Community Council Reviewed By: School Site Council, LCAP Parent Engagement Group

Community Council Reviewed Date: 2/19/2020

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](mailto:hcoronel@imperialusd.org)

Telephone: 760-355-3262

Fax: 760-355-4511

Bargaining Unit Date: 01/24/2020

Name: Imperial Teachers Association

Representative: William Estes

Title: President Imperial Teachers Association

Phone: 760-355-3220

Position: Support

Comments:

# Attachment 7: Waiver 6-3-2020 North Monterey County Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2773825

Waiver Number: 6-3-2020

Active Year: 2020

Date In: 3/5/2020 9:44:27 AM

Local Education Agency: North Monterey County Unified

Address: 8142 Moss Landing Rd.

Moss Landing, CA 93901

Start: 6/9/2020

End: 6/30/2020

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 3043 (d)

Outcome Rationale: Due to fiscal and personnel issues the district has decided to align ESY to regular summer school program to properly provide staff and facilities. The same level of service will be provided to students to help mitigate regression. Request is less than 20 days however 80 hours of instruction will be provided.

Student Population: 5345

City Type: Rural

Public Hearing Date:

Public Hearing Advertised:

Local Board Approval Date: 2/27/2020

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

Community Council Reviewed Date: 4/2/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Maureen Vanderpool

Position: Director of Special Services

E-mail: [maureen\_vanderpool@nmcusd.org](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\July%20SBE%20Meeting\maureen_vanderpool@nmcusd.org)

Telephone: 831-633-3341 x1504

Fax: 831-633-3341

Bargaining Unit Date: 04/20/2020

Name: California School Employees Association, Chapter 6

Representative: Ramon Torres

Title: Chapter President

Phone: (831) 595-5901

Position: Neutral

Comments

Bargaining Unit Date: 04/21/2020

Name: North Monterey County Federation of Teachers Local 4008

Representative: Kelly Moore

Title: Chapter President

Phone: (831) 325-7074

Position: Neutral

Comments

# Attachment 8: Waiver 11-3-2020 Paramount Unified School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1964873

Waiver Number: 11-3-2020

Active Year: 2020

Date In: 3/10/2020 8:40:46 AM

Local Education Agency: Paramount Unified

Address: 15110 California Ave.

Paramount, CA 90723

Start: 6/15/2020

End: 7/10/2020

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR*, Title 5, Section 3043

Ed Code Authority: 33050

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

Outcome Rationale: The district would like to submit a waiver for 16 days of Extended School Year (ESY) for grades elementary, middle school and Adult Transition Program to align with the district's general education summer school. The change in program days will assist with ESY student attendance and staffing coverage. The 16-day calendar will lengthen the ESY school day by one hour so the instructional time would remain the same as the 20-day calendar.

Student Population: 14328

City Type: Urban

Public Hearing Date: 3/9/2020

Public Hearing Advertised: Public notice in Long Beach Press Telegram and posted at school sites

Local Board Approval Date: 3/9/2020

Community Council Reviewed By: Special Education Teacher Advisory Group and Parent Committee

Community Council Reviewed Date: 2/4/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Elida Garcia

Position: Director

E-mail: [EAGarcia@paramount.k12.ca.us](mailto:EAGarcia@paramount.k12.ca.us" \o "Email address for Dr. Elida Garcia)

Telephone: 562-602-6033

Fax:

Bargaining Unit Date: 01/29/2020

Name: CSEA, Chapter 447

Representative: Brent McCarty

Title: Chapter President

Phone: 562-602-6000

Position: Support

Comments:

Bargaining Unit Date: 01/23/2020

Name: Teachers Association of Paramount

Representative: Kimberly Goforth

Title: President

Phone: 562-602-6000

Position: Support

Comments:

# Attachment 9: Waiver 16-3-2020 Santa Maria-Bonita School District

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4269120

Waiver Number: 16-3-2020

Active Year: 2020

Date In: 3/12/2020 9:51:46 AM

Local Education Agency: Santa Maria-Bonita

Address: 708 South Miller St.

Santa Maria, CA 93420

Start: 6/9/2020

End: 7/2/2020

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR*, Title 5, Section 3034(d)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 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).

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

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

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

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

Outcome Rationale: The Santa Maria Bonita School District (SMBSD) proposes to provide Extended School Year (ESY) services utilizing a 18-day schedule of 4.5 hours per day totaling 81 hours of instruction. The proposed schedule will provide the same PLUS one additional hour of instructional time as a 20-day ESY schedule and the minimum required by Ed Code. The SMBSD proposed ESY waiver schedules will improve participation of highly qualified staff and student attendance, decrease impact on services and support staff, align the ESY days with other district summer institutes and offerings, along with achieving increased attendance as shown in similar districts who have utilized this configuration. Fewer ESY days will also have an operational cost savings.

Student Population: 16959

City Type: Rural

Public Hearing Date: 3/11/2020

Public Hearing Advertised: Posted online; District Office; School Site Offices

Local Board Approval Date: 3/11/2020

Community Council Reviewed By: Santa Maria-Bonita School District, Board of Education-

Community Council Reviewed Date: 3/11/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Rusty Gordon

Position: Director, Special Education

E-mail: [rgordon@smbsd.net](mailto:rgordon@smbsd.net)

Telephone: 805-361-8180

Bargaining Unit Date: 03/09/2020

Name: California School Employee Association (CSEA)

Representative: Matt Harris

Title: President

Phone: 805-623-8158

Position: Neutral

Comments:

Bargaining Unit Date: 03/06/2020

Name: Santa Maria Educators Employee Association

Representative: Jose Segura

Title: President

Phone: 805-714-9860

Position: Support

Comments:

# Attachment 10: Waiver 14-4-2020 Shasta County Office of Education

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 4510454

Waiver Number: 14-4-2020

Active Year: 2020

Date In: 4/29/2020 12:32:07 PM

Local Education Agency: Shasta County Office of Education

Address: 1644 Magnolia Ave.

Redding, CA 96003

Start: 6/8/2020

End: 6/26/2020

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: *Education Code* or California code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law. 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 per day, the time equal to the normally provided 20 days as required by *CCR*. Title 5, Section 4034(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 to districts.

Student Population: 38

City Type: Rural

Public Hearing Date: 2/12/2020

Public Hearing Advertised: newspaper, agenda, school posting

Local Board Approval Date: 2/12/2020

Community Council Reviewed By: Shasta County School Board; School Site Council (02/24/2020)

Community Council Reviewed Date: 12/8/2019

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](mailto:gmurphy@shastacoe.org" \o "Email address for Ms. Gina Murphy)

Telephone: 530-410-6088

Bargaining Unit Date: 03/16/2020

Name: Classified School Employees Association

Representative: Deborah Stewart

Title: President

Phone: 530-225-0200

Position: Support

Comments:

Bargaining Unit Date: 03/16/2020

Name: Shasta County Certificated Employees Association

Representative: Tawnya Roessner

Title: Chapter President

Phone: 530-225-0200

Position: Support

Comments:

# Attachment 11: Waiver 14-2-2020 Sweetwater Union High School District

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 3768411

Waiver Number: 14-2-2020

Active Year: 2020

Date In: 2/18/2020 12:48:09 PM

Local Education Agency: Sweetwater Union High

Address: 1130 Fifth Ave.

Chula Vista, CA 91911

Start: 6/8/2020

End: 6/26/2020

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: 33050

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

Outcome Rationale: Sweetwater Union High School District requests a waiver to modify the required special education Extended School Year (ESY) from 20 days to 15 days. ESY will run during the same time period--with the equivalent hours--as the District’s general education summer school. Formally, ESY was 20 days at 4 hours per day for a total of 80 hours. A 15-day, 5.5 hour per day ESY will total 82.5 hours.

The Sweetwater Union School District operates on a year-round schedule with a six-week summer break. Due to this relatively short summer break, it can be difficult for both families and staff to commit to a four-week summer program. The general education program has already committed to a three-week, 5,5-hour summer session for 2020. Operating ESY under this same three-week model provides for the equivalent number of instructional minutes for students, while maximizing attendance and staffing options.

In order to provide ESY services to all students, we are requesting a reduced number of days, while still providing the same number of hours as would have been provided in a 20-day program (80 hours). The ESY program for 2020 will run from June 8 through June 26. This will provide an appropriate intersession for students and staff while allowing us to appropriately staff the program and provide services to all students across the District. Students will receive in excess of the 80 hours of instruction formally provided over four weeks. In addition, we have learned from neighboring districts that a longer school day provides greater opportunity for instructional impact.

Student Population: 39165

City Type: Urban

Public Hearing Date: 2/10/2020

Public Hearing Advertised: Board agenda

Local Board Approval Date: 1/27/2020

Community Council Reviewed By: Psychologist Advisory Committee

Community Council Reviewed Date: 2/10/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Carrie Rea

Position: Director of Special Services

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

Telephone: 619-796-7550

Fax:

Bargaining Unit Date: 5/7/2020

Name: Sweetwater Education Association

Representative: Gregg Cobb

Title: President

Phone: 619-656-2490

Position: Support

Comments:

# Attachment 12: Waiver 21-2-2020 Tuolumne County Superintendent of Schools

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 5510553

Waiver Number: 21-2-2020

Active Year: 2020

Date In: 2/27/2020 11:07:13 AM

Local Education Agency: Tuolumne County Superintendent of Schools

Address: 175 Fairview Ln.

Sonora, CA 95370

Start: 6/15/2020

End: 7/3/2020

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

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

Ed Code Authority: 33050

Ed Code or *CCR* to Waive: California *Education Code* of Regulations, Title 5, Section 3043(d), which requires a minimum of 20 school days.

Outcome Rationale: Tuolumne County Superintendent of Schools proposes to provide ESY services utilizing a 15-day model over a three-week period at 5 hour 20 minutes per day including holidays (15 days x 5 hours 20 minutes = 80 hours), providing the same number of instructional hours as in a traditional 20-day model, including holidays (20 days xx 4 hours = 80 hours). Due to our rural setting and distance between schools we are faced with significant challenges. Through this change we hope to improve student learning, attendance and parental involvement. We also hope to improve staff recruitment/participation and contain costs associated with transportation and maintenance.

Student Population: 111

City Type: Rural

Local Board Approval Date: 2/3/2020

Community Council Reviewed By:  Teri Wilson, CAC Co-Chair

Community Council Reviewed Date:  02/13/2020

Community Council Objection: No

Community Council Objection Explanation:  NA

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Blaine Cowick

Position: Executive Director, SELPA

E-mail: [bcowick@tcsos.us](file:///\\CDE.Cal\DATA\SEDATA\CENTRAL\Division-wide\WAIVERS\Waiver%20Items\2020\July%20SBE%20Meeting\bcowick@tcsos.us)

Telephone: 209-536-2040

Fax: 209-536-2002

Bargaining Unit Date: 02/21/2020

Name: TCCSEA

Representative: Jane Cochrane

Title: TCCSEA President

Phone: 209-536-2040

Position: Support

Comments:

Bargaining Unit Date: 02/21/2020

Name: Tuolumne County Special Educator's Federation

Representative: Molly McGrew

Title: TCSEF Lead Representative

Phone: 209-536-2040

Position: Support

Comments: