

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Specific Waiver

# California State Board of Education November 2021 Agenda Item #W-07

## Subject

Request by **Cabrillo Point Academy** to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2020–21 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation for one student with disabilities based on *Education Code* Section 56101, the special education waiver authority.

## Waiver Number

* 3-8-2021

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Cabrillo Point Academy (CPA) Charter School requests to waive the requirement that all students graduating in the 2020–21 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for one student with disabilities based on California *Education Code* (*EC)* Section 56101, the special education waiver authority.

## Authority for Waiver

*Education Code* Section 56101

## Recommendation

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

The California Department of Education recommends the State Board of Education (SBE) approve the request for the student to waive the requirement to successfully complete a course in Algebra I (or its equivalent) for the 2020–21 graduation year; with the condition the student meets all other course requirements stipulated by the governing board of the school district and *EC* Section 51225.3 in order to receive a high school diploma.

## Summary of Key Issues

For the review of this waiver request, the CPA provided the following documentation for the student:

* Valid copies of the student’s individualized education programs (IEPs) for grades nine through twelve highlighting the areas of mathematic deficiencies, and how the student’s needs in mathematics were addressed.
* The specific assistance the district provided to the student which included supplementary aids, services, accommodations, test modifications, and supports to attain the diploma-track goal for the algebra requirement.
* A copy of the student’s educational transcript showing the student has completed all other graduation requirements.

The above documentation was confidentially reviewed and approved by an education administrator I. The CPA provided documentation which documents that the student has fulfilled all other graduation requirements except for the Algebra 1 graduation requirement. The CPA entered into a settlement agreement with the parent that the local education agency (LEA) would submit a waiver request for the Algebra 1 graduation requirement, as adopted by the SBE, which if not approved, would otherwise result in the student not meeting graduation requirements to receive a high school diploma.

**Demographic Information:** The CPA has a student population of 4,700 and is located in a suburban area in San Diego County.

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

In 2000, *EC* Section 51224.5 was enacted to require students to complete a course in Algebra I, as a condition of receiving a high school diploma. The Algebra I requirement applied to students who were scheduled for graduation beginning in 2003−04. All waiver requests of this type have been granted by the SBE for students with disabilities.

## Fiscal Analysis (as appropriate)

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

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Cabrillo Point Academy Specific Waiver 3-8-2021 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 51224.5(b)

| Waiver Number | Local Educational Agency (LEA) | Period of Request | LEA’s Request | CDE Recommended | Local Board Approval Date | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- |
| 3-8-2021 | Cabrillo Point Academy | **Requested:**  August 17, 2020 to May 28, 2021  **Recommended:**  **Requested:**  August 17, 2020 to May 28, 2021 | To waive the Algebra I (or equivalent) graduation requirement for one student to receive a diploma of graduation | Approval with conditions to waive the Algebra I (or equivalent) graduation requirement for one student to receive a diploma of graduation | 5/27/2021 | Failure to approve the waiver request would result in the student not meeting graduation requirements |

Created by California Department of Education, September 2021

# Attachment 2: Cabrillo Point Academy Specific Waiver Request 3-8-2021

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 3768049

Waiver Number: 3-8-2021

Active Year: 2021

Date In: 8/17/2021 4:42:23 PM

Local Education Agency: Cabrillo Point Academy

Address: 13915 Danielson Street # 200

Poway, CA 92064

Start: 8/17/2020

End: 5/28/2021

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Special Education Program

Ed Code Title: Algebra I Requirement for Graduation

Ed Code Section: 51224.5

Ed Code Authority: 56101

Ed Code or *CCR* to Waive: *EC* Section 51224.5(c) provides that the mathematics graduation requirement is met if a student, prior to enrollment in grade 9, completes a course in Algebra I or Mathematics I, or mathematics courses of equal rigor, that is aligned to the content standards adopted by the State Board of Education (SBE). Even if the algebra requirement is met, the student must still complete two years of mathematics in grades 9 to 12 as required by *EC* Section 51225.3(a)(1)(B). The determination whether the coursework in algebra, taken prior to grade 9, meets or exceeds the rigor of the content standards for Algebra I or Mathematics I, as adopted by the SBE, is a local decision.

Outcome Rationale: The district and parent engaged in a settlement agreement that included a decision to submit an Algebra waiver on behalf of the student.

Student Population: 4700

City Type: Suburban

Local Board Approval Date: 5/27/2021

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Ms. Pamela Gandara

Position: Director of Special Education

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