

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Specific Waiver

# California State Board of Education July 2024 Agenda Item # W-09

## Subject

Request by **Cotati-Rohnert Park Unified** to waive *Education Code* Section 56362(c), allowing the caseloads of resource specialists to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

## Waiver Number

4-1-2024

## Type of Action

Action, Consent

## Summary of the Issue(s)

The **Cotati-Rohnert Park Unified** (CRPUSD) requests to increase the caseload of one resource specialist from the maximum allowed caseload of 28 students to 32 students.

## Authority for Waiver

*Education Code (EC)* Section 56101

## Recommendation

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

The California Department of Education (CDE) recommends approval with the following conditions: (1) The District must provide each resource specialist instructional aide time of at least five hours daily whenever the resource specialists’ caseloads exceed the statutory maximum caseload of 28 students by no more than 4 students (32 maximum), during the waiver's effective period, per *California Code of Regulations* Title 5 (5 *CCR*), Section 3100(d)(2).

## Summary of Key Issues

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

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

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

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

The CRPUSD requests to increase the caseload of Frank Vasquez, resource specialist at CRPUSD. There has been an increase in the amount of CRPUSD students receiving special education services. To address the required need for increased special education services for the 2023-2024 school year, CRPUSD stated that it will make every effort to place an additional Special Education teacher at CRPUSD to absorb part of the current resource teacher specialist’s caseload.

The CRPUSD has received no complaints registered related to the school district exceeding the maximum resource specialist program caseload over the last four years. The resource specialist has agreed to the waiver and has received more Instructional aide time than required. Prior to the increase in caseload, the RSP teacher received an instructional aide for 5.5 hours each day. After the caseload increased, the teacher received three additional days of support for testing and case management as well as two days of assistance from a retired Special Education teacher to aid with service delivery.

**Demographic Information:** The CRPUSD has a student population of 6,324 and is located in a suburban area in Sonoma County.

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

*EC* Section 56101 allows the State Board of Education (SBE) to waive any provision of *EC* or regulation if the waiver is necessary or beneficial when implementing a student’s IEP. Title 5 *CCR* 3100 specifically allows the SBE to approve waivers for RSP caseloads to exceed the maximum caseload of 28 students by no more than 4 students. However, there are specific requirements in regulations which must be met for approval, and if requirements are not met, the waiver must be denied:

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

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

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

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

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

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

## Fiscal Analysis (as appropriate)

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

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)

**Attachment 2:** Cotati-Rohnert Park Unified School Specific Waiver Request 4-1-2024 (2 pages). (Original waiver request is signed and on file in the Waiver Office.

* **Attachment 3:** Resource Specialist Caseload Waiver Request, Administrator Supplemental Form (3 Pages)
* **Attachment 4:** Resource Specialist Caseload Waiver Request, Teacher Supplemental Form (4 Pages)

# Attachment 1: Summary Table

California *Education Code* Section 56101

| Waiver Number | School District, School | Name of Teachers, Agrees to Excess Caseload? | Over Statutory Caseload for More Than Two Years? | Previous Aide Time (prior to increased caseload), Current Aide Time (with increased caseload) | Period of Request | Local Board Approval Date | Bargaining Unit, Representative, Consulted, Date, and Position |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 4-1-2024 | Cotati-Rohnert Park Unified School District | Frank Vasquez | No | **Previous:** 5  **Current:** hours per day 5.5 | **Requested**  November 16, 2023 to June 7, 2024  **Recommended**  November 16, 2023 to June 7, 2024 | January 23, 2024 | Rohnert Park Cotati Educators Association, Wendy Johnson,  President 1/10/2024 Support |

Created by California Department of Education: March 2024

# Attachment 2: Cotati-Rohnert Park Unified School Specific Waiver Request 4-1-2024

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 4973882

Waiver Number: 4-1-2024

Active Year: 2024

Date In: 1/25/2024 12:22:39 PM

Local Educational Agency: Cotati-Rohnert Park Unified School District

Address: 7165 Burton Ave.

Rohnert Park, CA 94928

Start: 11/16/2023

End: 6/7/2024

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Resource Teacher Caseload

Ed Code Section: 56362 (c)

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

Ed Code or *CCR* to Waive: *Education Code* 56362(c): (c) Caseloads for resource specialists shall be stated in the local policies developed pursuant to Section 56195.8 and in accordance with regulations established by the board. [No resource specialist shall have a caseload which exceeds 28 pupils]

Outcome Rationale: We have had a higher rate of students become eligible for IEP's. We have increased staffing at the sight to help with service delivery. Case manager is willing and eligible to take on the additional responsibilities of case management.

Student Population: 6,324

City Type: Suburban

Local Board Approval Date: 1/23/2024

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Rachel Allen

Position: Director

E-mail: [rachel\_allen@crpusd.org](mailto:rachel_allen@crpusd.org)

Telephone: 707-285-2076

Fax: 408-374-8367

Bargaining Unit Date: 01/10/2024

Name: Rohnert Park Cotati Educators Association

Representative: Lisa Bauman

Title: President

Phone: 707-792-4750

Position: Support