

California Department of Education

Executive Office

SBE-005 (REV. 1/2021)

General Waiver

# California State Board of Education March 2025 Agenda Item #W-01

## Subject

Request by **six 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

* Chula Vista Elementary School District 1-11-2024
* La Mesa Spring Valley School District 1-12-2024
* San Marcos Unified School District 3-10-2024
* Tulare County Office of Education 3-11-2024
* Butte County Office of Education 4-10-2024
* National Elementary School District 8-10-24

## Type of Action

Action, Consent

## Summary of the Issue(s)

Six local educational agencies (LEAs) request to provide instruction in fewer than the 20 school days required by law for extended school year (ESY). Each LEA proposes an alternate schedule to provide a number of hours consistent with and comparable to the amount of hours that would have been provided to students if the length of the ESY was 20 days, 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 six LEAs to provide ESY services for fewer than 20 days with the condition school day 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,* Title 5 (5 *CCR)* Section 3043.

## Summary of Key Issues

### Chula Vista Elementary School District

The Chula Vista Elementary School District (CVESD) is requesting an alternate ESY schedule of 15 days (Monday through Friday) from June 10 to July 1 (exclusive of the Juneteenth holiday) with 5.4 instructional hours per day for a total of 81 instructional hours for Kindergarten through Sixth grade.

The CVESD is also requesting to run a second alternate ESY schedule for Pre-Kindergarten students from June 10 to July 1 that consists of 15 days with 4 instructional hours per day for a total of 60 instructional hours.

Per the CVESD, longer school days provide greater opportunity for instructional impact, and an unintentional positive consequence is that operating for fewer days saves operational, facilities, and transportation costs. As the CVESD operates a year-round schedule with only a six-week summer break, the CVESD stated it is difficult to encourage families to attend a four-week ESY program. Additionally, the CVESD had difficulties staffing a four-week ESY program because it impedes families’ and staff’s only ability to take summer vacations. Per the CVESD, operating under a shorter ESY model provides for the equivalent number of instructional minutes for students, while maximizing attendance and staffing options.

**Demographic Information:** The CVESD has a student population of 28,964 and is located in an urban area in San Diego County.

### La Mesa Spring Valley School District

La Mesa Spring Valley School District (LMSVSD) is requesting an alternate ESY program schedule of 14 days (Monday through Friday), from June 23 to July 11 (exclusive of the July 4th holiday) with 5.5 hours per day for a total of 77 instructional hours for kindergarten through eighth grade. After submitting the waiver request to CDE, the LEA revised their requested schedule, changing the dates from June 18 to July 30, as stated in their submitted waiver, to June 23 to July 11. Per LMSVSD, the longer school days provide greater opportunity for instructional impact, and fewer days saves operational, facilities and transportation costs. Additionally, according to LMSVSD, the district had difficulties staffing a four-week ESY program because it impedes the ability of families and staff to take a summer vacation. **Demographic Information:** LMSVSD has a student population of 11,032 and is located in a suburban area in San Diego County.

### San Marcos Unified School District

The San Marcos Unified School District (SMUSD) is requesting an alternate ESY program schedule of 16 days (Monday through Thursday) from June 30 to July 24 (exclusive of the July 4th holiday) with 5 instructional hours per day for a total of 80 instructional hours for grades preschool through Adult Transition.

The San Marcos Unified School District (SMUSD) is requesting an alternate ESY program schedule of 16 days (Monday through Thursday) from June 30 to July 24 (exclusive of the July 4th holiday), with 5 instructional hours per day. This schedule provides a total of 80 instructional hours for grades First through Adult Transition, with Pre-K and Kindergarten students receiving a total of 60 instructional hours.

Per the SMUSD, the alternate schedule will increase the participation of highly qualified and trained classroom teachers and staff who already work with the same students during the school year. The SMUSD also found the shorter weeks help increase eligible student attendance, along with improving overall daily attendance. The SMUSD also stated that the shorter ESY schedule helps facilitate cost-effective services related to transportation, utilities, and custodial services.

**Demographic Information:** The SMUSD has a student population of 19,456 and is located in an urban area of San Diego County.

### Tulare County Office of Education

The Tulare County Office of Education (TCOE) is requesting an alternate ESY program schedule of 14 days (Monday through Thursday), June 10 to July 3 (exclusive of the Juneteenth holiday) with 5.4 instructional hours per day for a total of 75.6 instructional hours for kindergarten through grade twelve.

Per TCOE, longer school days provide greater opportunity for instructional impact, and an unintentional positive consequence is that operating for fewer days saves operational, facilities, and transportation costs.

**Demographic Information:** TCOE has a student population of 3,523 and is located in a rural area in Tulare County.

### Butte County Office of Education

The Butte County of Education (BCOE) is requesting an alternate ESY program schedule of 15 days (Monday through Friday), from June 16 to July 8 (exclusive of the Juneteenth and July 4th holiday), with 5.5 instructional hours per day for a total of 82.5 instructional hours. After submitting the waiver request to CDE, LEA revised their requested schedule, changing the dates from June 16 to July 11, as stated in their submitted waiver, to June 16 to July 8.

According to BCOE, the operation of ESY for 15 days instead of 20 will better match the district calendars of host sites where BCOE classes are located, allowing students more opportunities to be with their typically developing peers. Additionally, according to the BCOE, fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food service, administration, and clerical costs to districts.

**Demographic Information:** BCOE has a student population of 1,286 and is located in an urban area in Butte County.

### National Elementary School District

The National Elementary School District (NESD) is requesting an alternate ESY program schedule of 15 days (Monday through Friday), from June 10 to July 1(exclusive of the Juneteenth holiday) with 5.75 instructional hours per day for a total of 86.25 instructional hours.

NESD has a year round academic calendar with the summer break limited to six weeks. Due to maintaining a schedule consistent with the instructional day, the NESD indicated it can meet the needs of students with disabilities with ESY services on their IEP. Additionally, the schedule would support in minimizing regression and support recoupment of skills and progress on goals.

**Demographic Information:** NESD has a student population of 4,569 and is located in an urban area in San Diego County.

**Because these are general waivers, if the SBE decides to deny the waivers, it must cite one of the seven reasons in *EC* Section 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 ESY in fewer than 20 days if the alternate schedule is consistent with and comparable to the amount instruction that would have been provided to students if the length of the ESY was 20 days.

## 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 5 *CCR* Section 3043(f).

## Attachment(s)

* **Attachment 1:** Summary Table (6 pages)
* **Attachment 2:** Chula Vista Elementary School District General Waiver Request 1-11-2024 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** La Mesa Spring Valley School District General Waiver Request 1-12-2024 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** San Marcos Unified School DistrictGeneral Waiver Request 3-10-2024 (3 pages). Original waiver request is signed and on file in the waiver Office.)
* **Attachment 5:** Tulare County Office of Education General Waiver Request 3-11-2024 (2 pages). Original waiver request is signed and on file in the waiver Office.)
* **Attachment 6:** Butte County Office of Education General Waiver Request 4-10-2024 (3 pages). Original waiver request is signed and on file in the waiver Office.)
* **Attachment 7:** National Elementary School District General Waiver Request 8-10-2024 (3 pages). Original waiver request is signed and on file in the waiver Office.)

# Attachment 1: Summary Table

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

| Waiver Number | District | Period of Request | District’s Request | CDE Recommendation | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1-11-2024 | Chula Vista Elementary School District | **Requested:**  June 10, 2025, to July 1, 2025  **Recommended:**  June 10, 2025, to July 1, 2025 | 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 | Rosie Martinez, President;  Chula Vista Educators; 10/29/24; **Support.**  Angela Reed, President;  Chula Vista Classified Employee Organization; 10/29/24;  **Support.** | 11-13-24 | The LEA may not provide a 15-day ESY program |
| 1-12-2024 | La Mesa Spring Valley School District | **Requested:**  June 23, 2025, to July 11, 2025 (revised original request of June 18, 2025, to July 30, 2025)  **Recommended:**  June 23, 2025, to July 11, 2025 | To provide a 14-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 14-day ESY program instead of a 20-day ESY program | Ahmad Swinton, President;  California School Employees Association;  10-3-24;  **Support**.  Dennis Blevins, President, California Teachers Association;  8-5-24;  **Support**. | 11-12-24 | The LEA may not provide a 14-day ESY program |

| Waiver Number | District | Period of Request | District’s Request | CDE Recommendation | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 3-10-2024 | San Marcos Unified School District | **Requested:**  June 30, 2025, to July 24, 2025  **Recommended:**  June 30, 2025, to July 24, 2025 | To provide a 16-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 16-day ESY program instead of a 20-day ESY program | Ron Tackett, President; California School Employees Association;  8-13-24;  **Support**.  Dale Pluciennik, President;  San Marcos Educators Association;  8-5-24.  **Support**. | 9-12-24 | The LEA may not provide a 16-day ESY program |

| Waiver Number | District | Period of Request | District’s Request | CDE Recommendation | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 3-11-2024 | Tulare County Office of Education | **Requested:**  June 10, 2025, to July 3, 2025  **Recommended:**  June 10, 2025, to July 3, 2025 | To provide a 14-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 14-day ESY program instead of a 20-day ESY program | Leslie Bell, President; California School Employees Association;  9-10-24;  **Support**.    Joshua Curtiss, President; California Teachers Association;  9-4-24.  **Support**. | 10-9-24 | The LEA may not provide a 14-day ESY program |

| Waiver Number | District | Period of Request | District’s Request | CDE Recommendation | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 4-10-2024 | Butte County Office of Education | **Requested:**  June 16, 2025, to July 8, 2025 (revised original request of June 16, 2025 to July 11, 2025)  **Recommended:**  June 16, 2025, to July 8, 2025 | 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 | Sandra Rodriguez, President;  California School Employees Association;  9-18-24;  **Support**.    Dori Wall, President; California Teachers Association;  9-18-24;  **Support**. | 9-9-24 | The LEA may not provide a 15-day ESY program |

| Waiver Number | District | Period of Request | District’s Request | CDE Recommendation | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 8-10-2024 | National Elementary School District | **Requested:**  June 10, 2025, to July 1, 2025  **Recommended:**  June 10, 2025, to July 1, 2025 | 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 | Mona Ribada, President; California School Employees Association;  9-18-24;  **Support**.    Irma Sanchez, President; California Teachers Association;  9-13-24;  **Support**. | 10-23-24 | The LEA may not provide a 15-day ESY program |

Created by the California Department of Education

March 2025

# Attachment 2: Chula Vista Elementary School District General Waiver Request 1-11-2024

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3768023

Waiver Number: 1-11-2024

Active Year: 2024

Date In: 11/18/2024 9:14:36 AM

Local Education Agency: Chula Vista Elementary

Address: 84 East J St.

Chula Vista, CA 91910

Start: 6/10/2025

End: 7/1/2025

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: *California Code of Regulations*

*Education Code* or *CCR* to Waive: *CCR*, Title 5, Section 3043(d), requires a minimum of 20 school days of attendance for an extended school year (summer school) for special education students.

Outcome Rationale: The Chula Vista Elementary School District is requesting a waiver to reduce the required Special Education Extended School Year (ESY) from 20 days to 15 days. The district does not offer a summer school program for general education students, and its year-round schedule only includes a six-week summer break. As a result, it is challenging for both families and staff to participate in a four-week ESY program, as it conflicts with their ability to take summer vacations. Additionally, staffing such a program presents difficulties due to the limited break time.

This modified schedule will provide the same total number of instructional hours (80 hours for K-6 and 60 hours for PreK) as would be offered in a 20-day program, but within a 15-day timeframe. By reducing the number of days, the district aims to maximize attendance and staffing availability while still meeting the legal requirements of providing Extended School Year services. The shorter, more focused schedule will ensure that all students receive the necessary hours of instruction without disrupting family schedules or straining staff availability.

The proposed program for K-6 students will run from June 10, 2025, to July 1, 2025, with the district holiday on June 19, 2025. Students will receive 5 hours and 25 minutes of instruction per day, totaling 80 hours. For PreK students, the program will run on the same dates but with 4 hours of instruction per day, totaling 60 hours. This adjusted model will provide a sufficient break for staff and students while ensuring that the district can effectively staff the program and deliver services to all eligible students.

Furthermore, research indicates that longer school days enhance the instructional impact of ESY services. An added benefit of this modified schedule is that it will result in cost savings for operations, facilities, and transportation, as fewer days of operation are required.

Student Population: 29000

City Type: Urban

Public Hearing Date: 11/13/2024

Public Hearing Advertised: On the District Website and a public bulletin board.

Local Board Approval Date: 11/13/2024

Community Council Reviewed By: Special Education Parent Committee

Community Council Reviewed Date: 11/4/2024

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Sharon Casey

Position: Assistant Superintendent of Student Services

E-mail: [sharon.casey@cvesd.org](mailto:sharon.casey@cvesd.org)

Telephone: 619-425-9600 x181701

Bargaining Unit Date: 10/29/2024

Name: Chula Vista Classified Employee Organization

Representative: Angela Reed

Title: CVCEO President

Phone: 619-425-9600

Position: Support

Bargaining Unit Date: 10/29/2024

Name: Chula Vista Educators

Representative: Rosie Martinez

Title: CVE President

Phone: 619-425-9600

Position: Support

# Attachment 3: La Mesa Spring Valley School District General Waiver Request 1-12-2024

CD Code: 3768197

Waiver Number: 1-12-2024

Active Year: 2024

Date In: 12/3/2024 2:29:12 PM

Local Education Agency: La Mesa-Spring Valley

Address: 4750 Date Ave.

La Mesa, CA 91942

Start: 6/18/2025

End: 7/30/2025

Waiver Renewal: Yes

Previous Waiver Number: 8-12-2023

Previous SBE Approval Date: 5/24/2024

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: *CCR*, Title 5, Section 3043(d) requires a minimum of 20 school days of attendance for an extended school year (summer school) for special education students. Note: *Education Code* does not specify the number of hours for the ESY instructional program. The number of hours provided per day is based on student IEP's and District scheduling.

Outcome Rationale: La Mesa Spring Valley School District requests a waiver to modify the required Special Education extended school year from 2- days to 15 days (14 actual school days plus Holiday credit for July 4th). There is no summer school program for general education students in the District. The 2024-2025 school year ends on June 17,2025 for students and teachers. The 2025-2026 school year starts on August 4, 2025 for teachers and August 7, 2025 for students on modified year round calendars. Holding a traditional 20 day ESY would provide a schedule of June 23 - July 18, 2025, 4 hours/day, minus holiday (80 hours). This would provide a shortened break period for students and staff of only 10 days for staff and 13 days for students. Holding a modified 15 day ESY, would provide a schedule of June 23-July 11, 2025 with 5 hours 30 minutes/day (82.5 hours). This would provide a break of 15 work days for staff and 18 school days for students. Students would receive the full 80 hours of instruction. longer days can provide greater opportunity for instructional impact. Fewer days saves operational, facilities, and transportation costs.

Student Population: 11032

City Type: Suburban

Public Hearing Date: 11/12/2024

Public Hearing Advertised: posted agendas, website notification, social media posts

Local Board Approval Date: 11/12/2024

Community Council Reviewed By: LINK Committee, Educational Services Leadership Team

Community Council Reviewed Date: 11/6/2024

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Eileen Cotter

Position: Director of Special Education

E-mail: [elieen.cotter@lmsvschools.org](mailto:elieen.cotter@lmsvschools.org)

Telephone: 619-668-5700 x6226

Bargaining Unit Date: 10/03/2024

Name: California School Employees Association

Representative: Ahmad Swinton

Title: President, CSEA

Phone: 619-668-5700

Position: Support

Bargaining Unit Date: 10/03/2024

Name: California Teachers Association

Representative: Dennis Blevins

Title: President, CTA

Phone: 619-668-5700

Position: Support

# Attachment 4: San Marcos Unified School District General Waiver Request 3-10-2024

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3773791

Waiver Number: 3-10-2024

Active Year: 2024

Date In: 10/8/2024 2:25:57 PM

Local Education Agency: San Marcos Unified

Address: 255 Pico Ave., Ste. 250

San Marcos, CA 92069

Start: 6/30/2025

End: 7/24/2025

Waiver Renewal: Yes

Previous Waiver Number: 2-12-17-W-13

Previous SBE Approval Date: 6/3/2024

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR*, Title5, Section 3043(d)

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: San Marcos Unified School District requests to waive the California *Education Code* of Regulations, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance of four hours each for an extended school year (summer school) for special education students. The district provides ESY services for eligible preschool students with disabilities through the Adult Transition Program at two sites during the scheduled program. The district proposes a four-week ESY program over 16 days, equivalent to the number of instructional hours provided in a 20-instructional day calendar (including holidays), by lengthening the daily schedule.

San Marcos Unified School District proposes to provide ESY services utilizing a 16-day model over four weeks at 5 hours per day, including holidays (16 days x 5 hours = 80 hours attendance hours would be 8:30-1:30), providing the same number of instructional hours as in a traditional 20-day model, including holidays ( 20 days X 4 hours = 80 hours). The proposed model, which extends daily attendance time, results in required instructional time totals but provides for a reduction in total days of attendance to 16 days, Monday through Thursday, over four weeks.

San Marcos Unified School District believes the proposed model has:

Continue to increase the participation of highly qualified and trained classroom teachers and staff who work with students during the school year.

Help facilitate cost-effective services within classrooms and reduce related costs for transportation, electricity, custodial services, food services, administration, etc.

Increase eligible student attendance.

Improve overall daily attendance. Parent input was solicited, and most parents prefer the 4-day-per-week schedule.

This waiver would increase daily instruction time, limiting the impact on instructional minutes caused by student transit time from bus to classroom.

For the purposes of reimbursement for average daily attendance, the ESY program:

Must provide instruction of at least as many minutes over the shorter period as would have been provided during a typical 20-day program;

Must be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age level unless otherwise specified in the individualized education program to meet a pupil’s unique needs; and

Must offer special education and related services during the extended school year period that are comparable in standards, scope, and quality to the special education program offered during the regular academic year.

Student Population: 19041

City Type: Urban

Public Hearing Date: 8/8/2024

Public Hearing Advertised: Social Media, Web Site, Parent Communication System, YouTube

Local Board Approval Date: 9/12/202

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Community Council Reviewed By: LEA Advisory Committee -Special Education

Community Council Reviewed Date: 9/10/2024

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Lori Cummins

Position: Special Education Director

E-mail: [lori.cummins@smusd.org](mailto:lori.cummins@smusd.org)Telephone: 760-290-1223

Bargaining Unit Date: 08/13/2024

Name: California School Employee Assoc Chapter 413

Representative: Ron Tackett

Title: President

Phone: 760-290-2340

Position: Support

Bargaining Unit Date: 08/05/2024

Name: San Marcos Educators Association

Representative: Dale Pluciennik

Title: President

Phone: 760-290-2200

Position: Support

# Attachment 5: Tulare County Office of Education General Waiver Request 3-11-2024

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 5410546

Waiver Number: 3-11-2024

Active Year: 2024

Date In: 11/19/2024 9:53:22 AM

Local Education Agency: Tulare County Office of Education

Address: 6200 South Mooney Blvd.

Visalia, CA 93277

Start: 6/10/2025

End: 7/3/2025

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: Title 5 3043 (d) [An extended year program shall be provided for a minimum of 20 instructional days, including holidays]

Outcome Rationale: We request to provide within14 days of increased instructional minutes, the time equal to the normally provided 20 days as required by CCR, Title 5, 3043(d). Services are to be provided in a 14 day period, 325 minutes daily in order to align with district program operations, ensure access to needed facilities, and reduce transportation time for students.

Student Population: 422

City Type: Rural

Public Hearing Date: 10/9/2024

Public Hearing Advertised: Posted at Tulare COE, emailed to districts

Local Board Approval Date: 10/9/2024

Community Council Reviewed By: Superintendent's Governance Committe

Community Council Reviewed Date: 9/25/2024

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Sarah Hamilton

Position: Administrator

E-mail: [sarahh@tcoe.org](mailto:sarahh@tcoe.org)

Telephone: 559-730-2910 x5128

Fax: 559-730-2511

Bargaining Unit Date: 09/10/2024

Name: California School Employees Association

Representative: Leslie Bell

Title: Union President

Phone: 559-781-0843

Position: Support

Bargaining Unit Date: 09/04/2024

Name: California Teachers Association - TCOE

Representative: Joshua Curtiss

Title: Union President

Phone: 559-730-2529

Position: Support

# Attachment 6: Butte County Office of Education General Waiver Request 4-10-2-24

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 0410041

Waiver Number: 4-10-2024

Active Year: 2024

Date In: 10/9/2024 1:30:50 PM

Local Education Agency: Butte County Office of Education

Address: 1859 Bird Street

Oroville, CA 95965

Start: 6/16/2025

End: 7/11/2025

Waiver Renewal: Yes

Previous Waiver Number: 4-10-2023-W-04

Previous SBE Approval Date: 6/3/2024

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: 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). (a) Extended year special education and related services shall be provided by a school district, SELPA, 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 (2) Are individuals with exceptional needs whose IEPs specify an extended year program as determined by the IEP 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: Butte County Office of Education (BCOE) has applied for a waiver to Ed Code 5 *CCR* 3043 which discusses Extended School Year (ESY) services. The waiver request addresses the length of day and number of days an ESY program is offered. COE has granted the waiver to BCOE since the 2011-12 school year. We are seeking to renew this request for a General Waiver from the California Department of Education. If granted, the waiver would be in effect for one school year. Rationale: BCOE proposes to provide ESY services to identified students with special needs utilizing a fifteen (15) day, five and one half (5.5) hours/day instructional model, rather than the traditional model of twenty (20) days, four (4) hours/day of instructional time. Students will receive the same or greater number of instructional minutes. The longer school day will align better with the regular school year providing more consistency for the students served. Additionally, the operation of ESY for 15 days instead of 20 will better match the district calendars of host sites where BCOE classes are located, allowing students more opportunities to be with their typically developing peers. On a fiscal side, fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food service, administration, and clerical costs to districts. ESY will run 6/16/2025 - 7/11/2025.

Student Population: 100

City Type: Rural

Public Hearing Date: 9/9/2024

Public Hearing Advertised: Notice posted at each school site and at 3 other non-school locations.

Local Board Approval Date: 9/9/2024

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 9/19/2024

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Maryanne Taylor

Position: Senior Director Student Educational Services

E-mail: [mtaylor@bcoe.org](mailto:mtaylor@bcoe.org)

Telephone: 530-532-5791

Bargaining Unit Date: 09/18/2024

Name: 436

Representative: Sandra Rodriguez

Title: President

Phone: 530-532-5932

Position: Support

Bargaining Unit Date: 09/18/2024

Name: 736

Representative: Ronisha Evans

Title: President

Phone: 530-532-5625

Position: Support

Bargaining Unit Date: 09/18/2024

Name: Butte County Teachers Association

Representative: Dori Wall

Title: President

Phone: 512-659-5071

Position: Neutral

# Attachment 7: National Elementary School District General Waiver Request 8-10-2-24

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768221

Waiver Number: 8-10-2024

Active Year: 2024

Date In: 10/31/2024 9:48:28 AM

Local Education Agency: National Elementary

Address: 1500 N Ave.

National City, CA 91950

Start: 6/10/2025

End: 7/1/2025

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: 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).

(a) Extended year special education and related services shall be provided by a school district, SELPA, 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

(2) Are individuals with exceptional needs whose IEPs specify an extended year program as determined by the IEP 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.

(e) An extended year program, when needed, as determined by the IEP team, shall be included in the pupil's IEP.

(f) In order to qualify for average daily attendance revenue for extended year pupils, all of the following conditions must be met:

(1) Extended year special education shall be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age unless otherwise specified in the IEP to meet a pupil's unique needs.

(2) The special education and related services offered during the extended year period are comparable in standards, scope and quality to the special education program offered during the regular academic year.

Outcome Rationale: The National School District is on a year round academic calendar with the summer break limited to 6 weeks. Due to maintaining a schedule consistent with the instructional day, the National School District can meet the needs of students with disabilities with ESY services on their IEP. To be consistent with the 80 hours of instruction for ESY, 5.75 hours of instruction over 14 days would support in minimizing regression and support recoupment of skills/progress on goals.

Student Population: 3997

City Type: Urban

Public Hearing Date: 10/23/2024

Public Hearing Advertised: The meeting date was posted at the District Office in a public area for parents to access. The hearing was posted on the public district website.

Local Board Approval Date: 10/23/2024

Community Council Reviewed By: District Parent Advisory Committee

Community Council Reviewed Date: 9/13/2024

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Maria Garcia

Position: Coordinator of Student Support Services

E-mail: [msisigarcia@nsd.us](mailto:msisigarcia@nsd.us)

Telephone: 619-336-7711

Bargaining Unit Date: 09/18/2024

Name: California School Employee Association

Representative: Mona Ribada

Title: President

Phone: 619-336-8200

Position: Support

Bargaining Unit Date: 09/13/2024

Name: National City Teacher's Association

Representative: Irma Sanchez

Title: President

Phone: 619-336-8200Position: Support