

**SPECIFIC WAIVER COVER SHEET**  
**CALIFORNIA STATE BOARD OF EDUCATION**  
**APRIL 2003 AGENDA**  
**Item No. W-8**

<b>TITLE:</b> Request by <b>Alhambra School District</b> to waive <i>Education Code</i> (EC) 56362 (c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for Resource Specialist <b>Janine Lai assigned at Ynez Elementary.</b>	<u>  <b>X</b>  </u> <b>ACTION</b> <u>      </u> <b>INFORMATION</b> <u>      </u> <b>PUBLIC HEARING</b> <u>      </u> <b>CONSENT</b>
<b>CDSIS:</b> CDSIS-25-1-2003	

**RECOMMENDATION:**

The Department recommends:  Approval

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**Summary of Previous State Board of Education Discussion and Action:** Both EC 56362 (c) and Title 5CCR 3100 allow the State Board of Education (SBE) to approve waivers of Resource Specialist to exceed the maximum caseload of 28 students by not more than four students. Normally these waivers go to consent but this is **scheduled to action due to union opposition.**

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**Summary of Key Issue(s):**

The Alhambra School District (ASD) requests a waiver of EC 56362(c). This law states that caseloads for Resource Specialists shall be stated in local policies developed pursuant to Section 56195.8 and in accordance with regulations established by the SBE. No Resource Specialist shall have a caseload that exceeds 28 pupils. The District states that the waiver will not hinder the implementation of the individualized educational program (IEP) for all students involved with the waiver. The district will provide extra support staff to the resource specialist.

The bargaining unit did “participate” in the waiver process and is opposed. The Resource Specialist, however, has agreed to the waiver with the addition of a five-hour aide, and has stated that the IEP goals for all students will be met.

Title 5CCR Section 3100 (a) states:

*“For purposes of subdivision (b), a request to waive the maximum resource specialist...if all of the following conditions are met...(4) the waiver was agreed to by any affect resource specialist, and **the bargaining unit, if any, to which the specialist belonged participated in the waiver’s development.**”*

Based on the wording of this regulation, the department recommends approval because of the resource specialist agreement to the caseload increasing to a maximum of 32 pupils and the proms form both the district and the teachers that all students IEP needs will be met.

Authority for the waiver: *Education Code* Section 56101, and Title 5CCR 3100

Bargaining unit(s) consulted on: 01/10/03

Position of bargaining unit (choose only one):

Neutral

Support

**Oppose**

Name of bargaining unit representative: Stephen Kornfield, **Alhambra Teachers Association**

Local board approval date: 1/17/03 SELPA approved date

Effective dates of request: 1/10/03-6/13/03

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**Fiscal Analysis (as appropriate):** No known fiscal impacts.

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**Background Information:** Waiver request forms and supporting documents are attached to this summary.