

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
JULY 2003 AGENDA
Item No. W-13

<p>TITLE: Request by Modesto City Schools to waive <i>Education Code</i> (EC) Section 56362(c), to allow the caseload of the Resource Specialist to exceed the maximum caseload of 28 students by no more than four students. For Resource Specialist Karen Kline assigned at Mark Twain Jr. High School.</p> <p>CDSIS: 43-4-2003</p>	<p><input checked="" type="checkbox"/> ACTION</p> <p><input type="checkbox"/> INFORMATION</p> <p><input type="checkbox"/> PUBLIC HEARING</p> <p><input type="checkbox"/> CONSENT</p>
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RECOMMENDATION:

The Department recommends denial.

Summary of Previous State Board of Education Discussion and Action:

Both *EC* Section 56362 (c) and Title 5 CCR 3100 allow the State Board of Education (SBE) to approve waivers of Resource Specialists to exceed the maximum caseload of 28 students by not more than four students. However, there are very specific requirements in these regulations that must be met for approval, and if these requirements are not met, the waiver must be denied.

Summary of Key Issue(s):

The **Modesto City Schools** requests a waiver of *EC* Section 56362 (c), which states that caseloads for Resource Specialists shall be stated in local policies developed pursuant to *EC* Section 56195.8 and in accordance with Title 5 regulations established by the board. No Resource Specialist shall have a caseload which exceeds 28 students.

The **Modesto City Schools** experiences high mobility rates which causes caseloads to fluctuate dramatically throughout the school year. The district states that when caseloads are between 29-32 students, assistance is provided from a roving resource specialist. The Resource Specialist assures that all students will receive all the services called for in their IEP's, and the waiver request indicates the caseload for the Resource Specialist will not exceed the maximum statutory limit of 28 students by more than four students.

The RSP teacher did state that she had a caseload of 28 or more students during the 2001-2002 school year. This is a reason to deny the waiver under Title 5 CCR 3100(c)(3) which states, **“The waiver does not result in the same resource specialist having a caseload in excess of the statutory minimums for more than two years.”**

The Resource Specialist supports the approval of the waiver, despite this fact, the department is bound to recommend denial due to the regulatory conditions of the waiver.

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

Bargaining unit(s) consulted on: January 2003

Position of bargaining unit (choose only one):

Neutral

Support

Oppose

Name of bargaining unit representative: Barney Hale

Local board approval date: SELPA signature

Effective dates of request: 04/15/03-06/12/03

Fiscal Analysis (as appropriate): No known fiscal impacts. Revenue report is attached.

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