



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

Specific Waiver

SUBJECT Request by Poway Unified School District to waive <i>Education Code</i> (EC) Section 56362(c): allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students. (32 maximum) Anne Van Bebber at Tierra Bonita Elementary school. Waiver Number: 56-3-2004	<input checked="" type="checkbox"/> Action
	<input checked="" type="checkbox"/> Consent

RECOMMENDATION

Approval
 Approval with conditions
 Denial

That the Resource Specialist (RS) will have an instructional aide for at least eight hours daily per districts agreement and the district may not request a waiver for this RS in the next school year.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Both EC 56362 (c) and California *Code of Regulations* (CCR), Title 5, Section 3100, allow the State Board of Education to approve waivers of resource specialists to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations, which must be met for approval, and if these requirements are not met, the waiver must be denied.

A Resources Specialist is a credentialed teacher who provides instruction and services to children with Individualized Education Programs (IEPs) that are with regular education teachers for the majority of the school day. Resource Specialists coordinate special education services with the regular school program for their students. Statute limits caseloads for Resource Specialists to no more than 28 pupils unless the State Board of Education grants a waiver.

SUMMARY OF KEY ISSUES

The waiver stipulates that the following affected Resource Specialist will have an increase in her caseload from 28 students to 32 students. Anne Van Bebber at Tierra Bonita Elementary School in Poway Unified School District has agreed to the increase in her caseload. She also stated that she has had a caseload of more than 28 students during the last school year. This will be the last waiver request recommended for approval for Ann Van Bebber, as this will be her second year having a caseload of more than 28 students. In addition the district has agreed to eight hours of aide time, more than the five hours required by the waiver.

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Don Raczka, the union representative was contacted by California Department of Education staff on 03/18/04 and stated that the union participated in the waiver development. The union is neutral on the waiver request. The request is only being recommended for approval for the current school year. The request is being retroactively recommended for approval, but it will only cover the period of January 27, 2004 through June 17, 2004. The district has been notified that they need to submit such requests in a more timely fashion.

Authority for the Waiver: EC 56101 and CCR, Title 5 Section 3100.

Bargaining unit(s) consulted on date(s): March 18, 2004

Position of bargaining unit(s) (choose only one):

Neutral Support Oppose

Name of bargaining unit(s)/representative(s): Don Raczka, Poway Federation of Teachers

Local board approval date(s): March 8, 2004

Period of request: January 27, 2004 to June 17, 2004.

FISCAL ANALYSIS (AS APPROPRIATE)

If this waiver is denied, the District will need to employ additional qualified staff or persons with emergency qualifications to provide services to special education students.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.