



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

Specific Waiver

SUBJECT Request from the Jefferson Elementary 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) Polly Petz assigned at Monticello Elementary School . Waiver Number 102-4-2004	<input checked="" type="checkbox"/> Action
	<input checked="" type="checkbox"/> Consent

RECOMMENDATION

Approval Approval with conditions Denial

That the Resource Specialist will have an instructional aide available for at least 9 hours daily.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Both EC 56101 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 Resource Specialist is a credentialed teacher who provides instruction and services to children with Individualized Education Program (IEPs) that are with regular education teachers for the majority of the school day. Resource Specialists coordinate special education services with the regular school programs for their students. Statute limits caseload for Resource Specialists to no more than 28 pupils unless the State Board of Education grants a waiver.

SUMMARY OF KEY ISSUES

Jefferson Elementary School District will provide the assistance of an instructional aide for nine hours each day to the Resource Specialist when the caseload exceeds the statutory minimum during the waiver effective period. 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.

Both Polly Petz, Resource Specialist, and Theresa Louie, bargaining unit representative, were contacted on April 30, 2004 by California Department of Education (CDE). The Resource Specialist agrees to the waiver request and the bargaining unit is neutral on the request. The Resource Specialist did not have a caseload of more than 28 students during the last school year.

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Because the district submitted the waiver request so late in the school year, the request will not be heard for considered by the State Board of Education until after the school year is over. However, the request was only for the time period of March 22 through June 30, 2004. This waiver meets all of the conditions for waiver approval so the department recommends approval on consent.

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

Bargaining unit(s) consulted on date(s): 2/23/04

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

Neutral Support Oppose

Waiver should be for the remainder of the 03-04 year only.

Name of bargaining unit(s)/representative(s): Theresa Louie, Jefferson Teachers Association

Local board approval date(s): 4/06/04

Period of request: 3/23/04 to 6/30/04

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.