



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

Specific Waiver

SUBJECT Request by North Monterey County 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) Essie Martin at Echo Valley Elementary . Waiver Number: 131-4-2004	<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 6 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 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 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

North Monterey County Unified School District will provide the assistance of an instructional aide for six 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 Essie Martin, Resource Specialist, and Haley Forbes, bargaining unit representative, were contacted on May 7, 2004. 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. This information was reviewed with all parties by California Department of Education staff on 5/7/04. The district has been informed of the need to submit requests of this type in a more timely manner.

North Monterey County Unified School District, Page 2

However, the Department is recommending that the request be approved retroactively.

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

Bargaining unit(s) consulted on date(s): 4/19/04

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

Neutral Support Oppose

Name of bargaining unit(s)/representative(s): Haley Forbes North Monterey County Teachers Association

Local board approval date(s): 4/22/04

Period of request: 3/18/04 to 6/11/04

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.