



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

Specific Waiver

<p>SUBJECT</p> <p>Request by West Contra Costa 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) Jodee Gunther assigned at Highland Elementary School.</p> <p>Waiver Number: 51-4-2004</p>	<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 for at least six hours a day.

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 Individual Education Plans 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 State Board of Education grants a waiver.

SUMMARY OF KEY ISSUES

The district has not been able to hire additional resource specialists due to extremely competitive salary ranges of the bay area. They are attempting to find teachers through advertising and job recruitment efforts. This waiver has been approved with the condition that the resource specialist have available an instructional aide for the entire six hour day.

The district, and the resource specialists, states they will be able to meet all federal and state laws, as well as fully implement the Individual Education Plans of all the students. The union representative and the resource specialist were contacted by phone, on May 5, 2004, at which time they stated they were in agreement with the written statements on the waiver request. The waiver request is being approved

retroactively to February 1, 2004, with the district being advised the request should be submitted prior to the initiation of the caseload increase.

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

Bargaining unit(s) consulted on date(s): May 5, 2004

Position of bargaining unit:

Neutral Support Oppose

Name of bargaining unit/representative: Teri Jackson, United Teachers of Richmond

Local board approval date: April 7, 2004

Period of request: February 1, 2004 to June 11, 2004

FISCAL ANALYSIS:

If this waiver is denied, the district will need to employ additional qualified staff or persons with emergency qualifications to provide services to the special education students, at a time when the district is experiencing severe fiscal difficulties.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.