



# CALIFORNIA STATE BOARD OF EDUCATION

## JULY 2004 AGENDA

**Specific Waiver**

<p><b>SUBJECT</b></p> <p>Request by <b>West Contra Costa Unified School District</b> to waive <i>Education Code</i> (EC) Section 56362(c); allowing the caseload of three resource specialists to exceed the maximum caseload of 28 students by no more than four students. (32 maximum) <b>Roselly Lumapas, Eric Tanaka, and Max Driggs assigned at De Anza High School.</b></p> <p>Waiver Number: 105-4-2004</p>	<p><input checked="" type="checkbox"/> <b>Action</b></p>
	<p><input checked="" type="checkbox"/> <b>Consent</b></p>

### 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. Statue 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 in the bay area. They are attempting to find teachers through advertising and job recruitment efforts. This waiver is being recommended for approval with the condition that the resource specialist will have an instructional aide for six hours per day. The district and the resource specialists, state 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 specialists were contacted by phone, on May 6, 2004, May 10, 2004, and May 12, 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 12, 2004

**Position of bargaining unit:**

Neutral                       Support                       Oppose

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

**Local board approval date(s):** April 7, 2004

**Period of request:** February 1, 2004 to June 11, 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 the special education students, at a time when the district is experiencing severe fiscal difficulties.

**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.