



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

Specific Waiver

<p>SUBJECT</p> <p>Request by Hollister School District to waive <i>Education Code</i> (EC) Section 56362(c); to allow the caseload of two resource specialists to exceed the maximum caseload of 28 students by no more than four students. (32 maximum) Kathleen Byrne assigned to Cerra Vista Elementary, and Pam Patton assigned to R.O. Hardin Elementary School.</p> <p>Waiver Number: 7-11-2003</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 5 hours daily.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Both EC 56101 and 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 (IEP) 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

Hollister School District will provide the assistance of an instructional aide for 5 hours each day to each Resource Specialist when the caseload exceeds the statutory minimum during the waiver effective period. The waiver request indicates the caseload for each Resource Specialist will not exceed the maximum statutory limit of 28 students by more than four students. Howard Madden, past president of the local union (HESTA) and the current bargaining unit representative Michal Cook (HESTA) were contacted on June 8, 2004. The two Resource Specialists agree to the waiver request and the bargaining unit is neutral on the request. Kathleen Byrne and Pam Patton had a caseload of more than 28 students each during the 2002-03 school year. This information was reviewed with all parties by California Department of Education (CDE) on June 8, 2004.

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Because of some inadvertent confusion surrounding this waiver request, it was not processed until late in the 2003-04 school year. As a consequence, the State Board of Education will not consider the request until after the 2003-04 school year is over. The CDE recommends that this waiver be approved.

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

Bargaining unit(s) consulted on date(s): June 8, 2004

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

Neutral Support Oppose

Name of bargaining unit(s)/representative(s): Past president Howard Madden, HESTA, indicated that teachers should "individually decide if they are willing to go above 28 students. Michal Cook, current president of HESTA, concurs.

Local board approval date(s): October 28, 2003

Period of request: August 25, 2003, to June 6, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

There will be no statewide fiscal impact.

BACKGROUND INFORMATION

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