



**CALIFORNIA STATE BOARD OF EDUCATION**      **ITEM #WC-15**

**MARCH 2004 AGENDA**

**Specific Waiver**

<b>SUBJECT</b> Request from the <b>Mammoth Unified School District</b> 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 max) for <b>Jennifer McGraw</b> assigned at <b>Mammoth High School</b> .  Waiver Number 7-10-2003	<input checked="" type="checkbox"/> <b>Action</b>  <input checked="" type="checkbox"/> <b>Consent</b>
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**RECOMMENDATION**

Approval     Approval with conditions     Denial

That the Resource Specialist will have an instructional aide for at least five hours daily and additional staff will be provided to monitor IEP implementation.

**SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

Both EC 56362(c) and Title 5 CCR 3100, allow the State Board of Education to approve waivers of resource specialists to exceed the maximum caseload of 28 students by not more than four students. However, there are very specific requirements in these regulations, which must be met for approval, and if these requirements are not met the waiver must be denied.

The Resource Specialist program shall be under the direction of a Resource Specialist who is a credentialed special education teacher, or who has a clinical services credential with a special class authorization, who has had three or more years of teaching experience, including both regular and special education teaching experience, as defined by rules and regulations of the Commission on Teacher Credentialing and who has demonstrated the competencies for a resource specialist, as established by the Commission on Teacher Credentialing.

**SUMMARY OF KEY ISSUES**

Title 5 CCR & 3100(c)(2)(d)(2) states: The waiver stipulates that an affected resource specialist will have the assistance if an instructional aide at least five hours daily wherever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

- The waiver request indicates that an instructional aide will be provided at least 5 hours daily.

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- The waiver request indicates the caseload for Resource Specialist will not exceed the maximum statutory limit of 28 students by more than four students.
- Additional staff has been added to monitor IEP implementation.
- Bargaining unit and the teacher support the waiver.
- Teacher will not have had a caseload exceeding 28 students for two consecutive years.

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Authority for the Waiver: *Education Code* (EC) Section 56101 and Title 5 CCR, Section 3100

Bargaining unit(s) consulted on date(s): 10/9/03

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

Neutral

Support

Oppose

Name of bargaining unit representative(s): Kirk Stapp

Local board approval date(s): 10/9/03

Period of request: 8/25/03-6/16/04

### **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**

Waiver request forms and supporting documents are available for inspection in the Waiver Office.