



CALIFORNIA STATE BOARD OF EDUCATION **ITEM #WC-16**

MARCH 2004 AGENDA

Specific Waiver

SUBJECT Request by Clovis 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) Linda Gillis/Sarah West assigned at Dry Creek Elementary School Waiver Number: 32-12-2003	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Consent
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RECOMMENDATION

Approval Approval with conditions Denial

That the district provide the assistance of an instructional aide at a minimum of five hours per day to the Resource Specialist.

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 specialist 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.

The State Board of Education has approved these waivers in the past. California Department of Education (CDE) staff uses Title 5 CCR §3100 as a guideline in reviewing these waivers.

SUMMARY OF KEY ISSUES

Title 5 CCR §3100(d)(2) states, The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily

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whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

- Clovis Unified School District will provide the assistance of an instructional aide at a minimum of five hours per day to the Resource Specialist.
- It was confirmed on February 19, 2004 that Linda Gilis and Sarah West both agree to increase their student caseload from 28 student to not more than 32 students.
- Teacher will not have had a caseload exceeding 28 students for two consecutive years.
- Clovis Unified teachers are not represented by a bargaining unit, however the affected teacher did agree to this waiver.

Authority for the Waiver: EC 56101, 56362(c) and Title 5 CCR, Section 3100

Bargaining unit(s) consulted on date(s): Resource Specialist does not belong to an employee bargaining unit. The Clovis Unified School District does not have a collective bargaining agreement. This information was confirmed on February 19, 2004.

Position of bargaining unit(s) (choose only one): Resource Specialist does not belong to an employee bargaining unit. The Clovis Unified School District does not have a collective bargaining agreement.

Neutral

Support

Oppose

Name of bargaining unit representative(s): Resource Specialist does not belong to an employee bargaining unit. The Clovis Unified School District does not have a collective bargaining agreement.

Local board approval date(s): SELPA approved 12/9/03

Period of request: 12-1-03 to 6-11-04

FISCAL ANALYSIS (AS APPROPRIATE)

If this waiver is denied, **Clovis Unified School District** will need to employ additional qualified staff or persons with emergency qualifications to provide to special education students.

BACKGROUND INFORMATION

Waiver Request and supporting documentation are available for inspection in the Waiver Office.