



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

Specific Waiver

SUBJECT Request by Baldwin Park 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) Lachele Strizic Margaret Heath Elementary and Robert Gregory at Geddes Elementary/De Anza Elementary. Waiver Number: 21-3-2004	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

Approval Approval with conditions Denial

That the Resource Specialist will have an instructional aide available for at least five hours daily.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Both EC 56362 and *California Code of Regulations, 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.

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

The waiver request stipulates that Lachele Strizic, resource specialist, at Margaret Heath Elementary and Robert Gregory, resource specialist, at Geddes Elementary/De Anza Elementary in the Baldwin Park USD will increase their caseload from 28 students to 32 students. Lachele Strizic and Robert Gregory agree to the increase and look forward to working with the additional four students. Ms. Strizic and Mr. Gregory participated in the development of the waiver and each agreed to exceed the maximum caseload of 28 students by no more than four students.

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Arthur Eddy, the union representative was contacted by California Department of Education (CDE) staff and also participated in the waiver development but has expressed the union's opposition. Title 5, CCR 3100 does not require union agreement, only participation in the waiver process. Therefore CDE is recommending approval of this waiver based on the teacher's agreement to all the conditions of Tile 5 CCR 3100.

Authority for the Waiver: EC 56101, and Title 5, CCR Section 3100(d)(4).

Bargaining unit(s) consulted on date(s): April 13, 2004

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

Neutral Support Oppose

The Baldwin Park Education Association prefers that the district hire additional personnel to comply with caseload standards.

Name of bargaining unit(s)/representative(s): Arthur Eddy

Local board approval date(s): February 27, 2004

Period of request: March 1, 2004 to June 15, 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 special education students.

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.