



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2004 AGENDA

**Specific Waiver**

<b>SUBJECT</b> Request by <b>Alhambra 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). <b>Jennifer Mirada</b> assigned at <b>Repetto Elementary</b>  Waiver Number: 13-1-2004	<input checked="" type="checkbox"/> <b>Action</b>
	<input type="checkbox"/> <b>Consent</b>

### RECOMMENDATION

Approval  Approval with conditions  Denial

that the Resource Specialist will have an instructional aide available for at least 5 hours a day and this waiver does not result in Jennifer Mirada having a caseload in excess of the statutory maximum for more than two school years as in CCR, Title 5, Section 3100.

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

The State Board of Education has approved this type of waiver. Both *Education Code* Section 56362(c) and *California Code of Regulations* (CCR), Title 5, Section 3100 allows the State Board of Education to approve waivers of Resource Specialists to exceed the maximum caseload of 28 students by not more than four (4) students. However, there are very specific requirements in these regulations that 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 requests that the resource specialist (RS) will have an increase in her caseload from 28 students to 32 students. Jennifer Mirada, the RS, assigned to Repetto Elementary in the Alhambra School District, agrees to the increase in her caseload and looks forward to working with the additional four students. Ms. Mirada participated in the development of the waiver and agreed to exceed the maximum caseload of 28 students by no more than four students. The district and Jennifer are aware that this waiver will not be approved next year for the additional case load.

Gloria Tauson, the union representative, was contacted by staff at the California Department of Education (CDE) and also participated in the waiver development, but

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has expressed the union's opposition. Title 5, CCR, Section 3100 does not require union agreement, only participation in the waiver process. CDE is recommending approval of this waiver because the teachers agree and all other conditions are met.

**Authority for the Waiver:** EC 56101, 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

"It continues to be the position of the ATA that a caseload of 28 students is far too many. To ask a RS teacher to increase their load to 32 will further exacerbate an untenable classroom environment."

**Name of bargaining unit(s)/representative(s):** Gloria Tauson, President of American Teachers Association

**Local board approval date(s):** January 05, 2004

**Period of request:** November 2003 to June 2004

**FISCAL ANALYSIS (AS APPROPRIATE)**

If this waiver is denied, the District will have to employ additional qualified staff or persons with emergency qualifications to provide services to special education students placing a financial hardship on the district.

**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.