



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2004 AGENDA

**Specific Waiver**

<p><b>SUBJECT</b></p> <p>Request by <b>Ojai Unified School District</b> 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) <b>Rosario Lotts</b> assigned at <b>Mira Monte Elementary School</b></p> <p>Waiver Number: 62-2-2004</p>	<input checked="" type="checkbox"/> <b>Action</b>
	<input checked="" type="checkbox"/> <b>Consent</b>

### RECOMMENDATION

Approval    Approval with conditions    Denial

That the Resource Specialist will have an instructional aide available for at least 6.5 hours a day.

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

Both EC 56362(c) and *California Code of Regulations (CCR), Title 5, Section 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 CCR, Title 5, Section 3100 as a guideline in reviewing these waivers.

### SUMMARY OF KEY ISSUES

CCR, Title 5 Section 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 whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

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- Ojai Unified School District will provide the assistance of an instructional aide a minimum of 6.5 hours per day to the Resource Specialist.
- It was confirmed on March 9, 2004 that Rosario Lotts agrees to increase her caseload from 28 students to not more than 32 students.
- Teacher has not had a caseload exceeding 28 students for two consecutive years.
- The President of the Teachers Union agrees with increased caseload from 28 students to not more than 32 students for Rosario Lotts.

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

**Bargaining unit(s) consulted on date(s):** March 11, 2004

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

Neutral

Support

Oppose

**Name of bargaining unit(s)/representative(s):** Dan Ainsworth, OUSD Union President

**Local board approval date(s):** February 10, 2004

**Period of request:** January 9, 2004 to June 18, 2004.

### **FISCAL ANALYSIS (AS APPROPRIATE)**

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

### **BACKGROUND INFORMATION**

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