



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

Specific Waiver

SUBJECT Request from the Carpinteria 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 max) for Sharon Velarde assigned at Main Elementary School . Waiver Number: 7-3-2004	<input checked="" type="checkbox"/> Action
	<input checked="" type="checkbox"/> Consent

RECOMMENDATION

Approval Approval with conditions Denial

Resource Specialist will have the additional assistance of an instructional aide for at least five hours daily and help with triennial evaluations as needed.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Both EC 56362(c) 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 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

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

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

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- Additional staff has been added to help monitor IEP implementation.
- Bargaining unit and teacher support the waiver.
- Teacher will not have had a caseload exceeding 28 students for two consecutive years.

Authority for the Waiver: EC Section 56101 and Title 5, CCR, Section 3100

Bargaining unit(s) consulted on date(s): February 4, 2004 and February 12, 2004

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

Neutral Support Oppose

Name of bargaining unit(s)/representative(s): Gary Elkins

Local board approval date(s): February 26, 2004

Period of request: February 2004 to June 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

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.