



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2004 AGENDA

**Specific Waiver**

<b>SUBJECT</b>  Request by <b>Guerneville 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 that four students (32 maximum). <b>Nancy Thomas</b> assigned at <b>Guerneville School District</b> .  Waiver Number 31-1-2004	<input checked="" type="checkbox"/> <b>Action</b>
	<input checked="" type="checkbox"/> <b>Consent</b>

### RECOMMENDATION

Approval     Approval with conditions     Denial

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

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

The Resource Specialist 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 for reviewing these waivers.

### SUMMARY OF KEY ISSUES

Title 5 CCR 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 waiver time period is for only 6 months in school year 2003-04.
- Guerneville stated they will provide the assistance of a full time (8hr) and a part time aide (4hr) instructional aide each day to Nancy Thomas while she is over caseload.
- CDE staff confirmed the resource specialists involved agreed to increase their student caseload from 28 students to no more than 32 students, and have not had a caseload in excess of the statutory maximum for more than two years.

**Guerneville School District, Page 2**

- District personnel and the involved resource specialist agree that all Special Education needs of all students involved can be met under the waiver.
- The resource specialists bargaining unit participated in the waiver development. (Support position)

On the basis of this review CDE recommends approval of this waiver request with specified conditions.

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

**Bargaining unit(s) consulted on date(s):** 2/10/04

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

Neutral

Support

Oppose

**Name of bargaining unit(s)/representative(s):** California Teachers Association:  
Mary Bracken, President, Nancy Thomas

**Local board approval date(s):** 2/10/04

**Period of request:** December 1, 3002 -June 30, 2004.

**FISCAL ANALYSIS (AS APPROPRIATE)**

If this waiver is denied, Guerneville School 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**

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"