

# Board Policy

## Community Relations

BP 1431

### WAIVERS

The Governing Board recognizes that ~~strict compliance with the law may sometimes hinder the district's ability to provide its students with an effective, well-rounded educational program~~ circumstances may arise in the operation of the district that require a waiver from state law or regulation. When it is in the interest of district students, the Board may request that the State Board of Education (SBE) waive any provision of state ~~or federal~~ law or regulation which ~~it~~ SBE has authority to waive pursuant to Education Code 33050.

Any waiver request to be submitted to ~~the~~ SBE shall first be approved by the Board. The Superintendent or designee shall ensure that each proposed waiver request includes all information necessary for the Board to analyze the need for the waiver and make an informed decision.

~~Prior to presenting~~ If the proposed waiver request for Board approval, the Superintendent or designee shall consult with and obtain the approval of any advisory committee or site council ~~when required by law~~ affects a program that requires the existence of a school site council, the Superintendent or designee shall obtain the school site council's approval of the request before presenting it to the Board. As appropriate, other councils or advisory committees, including bilingual advisory committees, shall be provided adequate opportunity to review a proposed waiver request, and the request shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33051)

*(cf. 0420 - School Plans/Site Councils)*

*(cf. ~~0420.1 - School-Based Program Coordination~~)*

*(cf. ~~1220 - Citizen Advisory Committees~~)*

In addition, the Superintendent or designee shall ~~involve~~ consult with the exclusive representative of district employees in the development of the waiver request, and shall include in the request the exclusive representative's position regarding the waiver. (Education Code 33050, 33051)

*(cf. 4140/4240/4340 - Bargaining Units)*

A request for a waiver related to a regional occupational center or program operated by a joint powers agency shall be submitted as a joint waiver request with other participating school districts upon approval of a unanimous vote of the governing board of the joint powers agency. (Education Code 33050)

*(cf. 6178.2 - Regional Occupational Center/Program)*

To receive public testimony on each ~~proposal for a~~ waiver request ~~proposal~~, the Board shall hold a properly noticed public hearing during a Board meeting. (Education Code 33050)

The notice, which shall state the time, date, location, and subject of the public hearing and invite public testimony, may be printed in a newspaper of general circulation and/or posted at each school and three public places in the district.

(cf. 9320 - Meetings and Notices)

If the district determines that a waiver is needed for more than one year, the Board shall reapply to SBE. When the district Board has requested and received the same general waiver from the SBE for two consecutive years, the Board is not required to reapply annually if provided that the information contained on the request remains current. However, except that the district shall apply annually for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

Legal Reference:

EDUCATION CODE

~~305-311 Structured English immersion program, parental exception waivers~~

~~5000-5033 Governing board elections~~

~~8750-8754 Grants for conservation education~~

~~10400-10407 Cooperative improvement programs~~

~~17047-5 Facilities used by special education students~~

~~17291 Portable school buildings~~

~~EDUCATION CODE (cont.)~~

33050-33053 General waiver authority

~~37202 Equity length of time~~

~~41000-41360 School finance~~

~~41381 Minimum school day~~

~~41600-41854 Computation of allowances~~

~~41920-42842 Budget requirements, local taxation by school districts~~

~~44520-44534 New program for careers~~

~~44666-44669 School-Based Management and Advanced Career Opportunities~~

~~44681-44689 Administrator Training and Evaluation~~

~~45108.7 Maximum number of senior management positions~~

~~48660-48666 Community day schools~~

~~48800 Attendance at Community College~~

~~49550-49560 Meals for needy students~~

~~51224.5 Algebra instruction~~

~~51745.6 Charter school independent study ratio~~

~~51870-51874 Educational technology~~

~~52080-52090 Class size reduction grade 9~~

~~52122.6-52122.8 Class size reduction - impacted school sites~~

~~52160-52178 Bilingual-Bicultural Education Act of 1976~~

~~52180-52186 Bilingual teacher waiver~~

~~52200-52212 Gifted and Talented Pupils Program~~

~~52340-52346 Career Guidance Centers~~

~~52522 Plans for adult education~~

~~52850-52863 School-Based Coordinated Program~~

~~54000-54028 Disadvantaged Youth Program~~

~~54100-54145 Miller-Unruh Basic Reading Program~~

~~54407 Waiver for compensatory education programs~~ 48800 Attendance at community college

~~51747.3 Charter school independent study funding~~

56000-56867 Special education programs

~~58407 Waiver related to individualized instruction program~~

~~58900-58928 Restructuring demonstration programs~~

~~60119 Public hearing on sufficiency of instructional materials~~

~~60851 High school exit examination, waiver for student with disabilities~~

~~CODE OF REGULATIONS, TITLE 5~~

~~1032 Academic Performance Index~~

~~3100 Resource specialist caseload waivers~~

~~3945 Cooperative programs~~

~~9531 Instructional materials funding ¶~~  
~~11960 Charter school attendance ¶~~  
~~11963.4 Charter school percentage funding ¶~~  
~~13017 Waivers, compensatory education New Careers in Education Program ¶~~  
~~13044 Waivers, compensatory education Professional Development and Program Improvement Programs ¶~~  
~~UNITED STATES CODE, TITLE 20 ¶~~  
~~1400-1482 Individuals with Disabilities in Education Act ¶~~  
~~7115 Safe and Drug Free Schools, authorized activities ¶~~  
65001 School site councils

Management Resources:

WEB SITES

California Department of Education, Waiver Office: <http://www.cde.ca.gov/re/lr/wr>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

PERRIS UNION HIGH SCHOOL DISTRICT  
Perris, California

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