

## **Brittan School District**

### **Waivers Community Relations**

BP 1431

The County Board of Education recognizes that circumstances may arise in the operation of the county office of education (COE) that require a waiver from state law or regulation. When it is in the interest of students in COE schools or programs, the County Board may request that the State Board of Education (SBE) waive any provision of state or federal law or regulation which SBE has authority to waive pursuant to Education Code 33050.

Any waiver request to be submitted to SBE shall first be approved by the County Board. The proposed waiver request shall include all information necessary for the County Board to analyze the need for the waiver and make an informed decision.

The Board shall only approve waiver requests that comply with the requirements of Education Code 33051, which include, but are not limited to, making sure the educational needs of the students are adequately addressed, the appropriate councils or advisory committees were given an opportunity to review the request, and the exclusive representative of employees, if any, was a participant in the development of the waiver. (Education Code 33050)

The County Board shall hold a properly noticed public hearing during a County Board meeting to receive public testimony on each proposed waiver request. (Education Code 33050)

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

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

#### **Legal Reference:**

##### **EDUCATION CODE**

33050-33053 General waiver authority

48800 Attendance at community college

51747.3 Charter school independent study funding

52160-52178 Bilingual-Bicultural Education Act of 1976

56000-56867 Special education programs

58407 Waiver related to individualized instruction program