

BRITTAN SCHOOL DISTRICT

Board Policy No. 1431 - WAIVERS

The Governing Board recognizes that 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 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 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.

If the proposed waiver request 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)

In addition, the Superintendent or designee shall 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)

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)

To receive public testimony on each proposal for a waiver request, 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, shall be printed in a newspaper of general circulation, posted at each school and three public places in the district, or published on the district's website.

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

Legal Reference:

EDUCATION CODE

8750-8754 Grants for conservation education

10400-10407 Cooperative improvement programs

17047.5 Facilities used by special education students

17291 Portable school buildings

33050-33053 General waiver authority

41000-41360 School finance

41381 Minimum school day

41600-41854 Computation of allowances

41920-42842 Instructional television; guaranteed yield program; financial statements of school districts; budget requirements; local taxation by school districts

44520-44534 New program for careers

44666-44669 School-Based Management and Advanced Career Opportunities for Classroom Teachers Programs

44681-44689 Administrator Training and Evaluation

45108.7 Maximum number of senior management positions

51870-51874 Educational Technology 52000-52049 School Improvement Plans

52033 Waiver on request of school site council

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

52850-52863 School-Based Coordinated Program

54000-54041 Disadvantaged Youth Program

54100-54145 Miller-Unruh Basic Reading Program

54407 Waiver for compensatory education programs

54665 Waiver for dropout prevention program

54720-54734 School-Based Pupil Motivation and Maintenance

56000-56885 Special education programs

58407 Waiver related to individualized instruction program

58603 Waiver for compensatory education programs

58900-58928 Restructuring demonstration programs

CODE OF REGULATIONS, TITLE 5

3100 Resource Specialist caseload waivers

13017 Waivers

13044 Waivers

UNITED STATES CODE, TITLE 20

1400-1487 Individuals with Disabilities in Education Act

Date Policy was Adopted by the Board: 1/13/2004

Revision: 1/24