

## Waivers

BP 1431(a)

### Community Relations

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. 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 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 the proposed 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.

(cf. 0420 - School Plans/Site Councils)  
(cf. 1220 - Citizen Advisory Committees)

In addition, the Superintendent or designee shall involve 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)

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

To receive public testimony on each 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, may be printed in a newspaper of general circulation or posted at each school and three public places in the district.

(cf. 9320 - Meetings and Notices)

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

Legal Reference:  
EDUCATION CODE  
5000-5033 Governing board elections

10400-10407 Cooperative improvement programs  
17047.5 Facilities used by special education students  
17291 Portable school buildings  
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  
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  
52160-52178 Bilingual-Bicultural Education Act of 1976  
52522 Plans for adult education  
54407 Waiver for compensatory education programs  
56000-56867 Special education programs  
58407 Waiver related to individualized instruction program  
60119 Public hearing on sufficiency of instructional materials  
CODE OF REGULATIONS, TITLE 5  
3100 Resource specialist caseload waivers  
3945 Cooperative programs  
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 Education Act  
7115 Student Support and Academic Enrichment Grants

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>

Policy

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FORESTVILLE UNION SCHOOL DISTRICT

Forestville, California