

**WAIVERS**

The Board of Education may request that the State Board of Education waive certain provisions of the Education Code, Title 5 regulations, or the federal law when such provisions prevent the district from offering its students the best possible educational program. The Superintendent or designee, advisory committees, or site councils shall identify the need for the Board to submit waiver requests and shall provide the Board with the necessary information to analyze the need for the waiver.

The Board shall hold a properly noticed public hearing on all waiver requests. (Education Code 33050)

*(cf. 9320 - Meetings and Notices)*

The Board shall include the exclusive employee representative in the development of the waiver.

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

If the waiver affects a program that requires the existence of a school site council, the school site council shall first approve the request.

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

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

*(cf. 1220 - Citizen Advisory Committees)*

For general waivers, the request to the State Board of Education shall include a statement as to whether the exclusive employee representative participated in the development of the waiver and the exclusive employee representative's position on the waiver. General waiver requests shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33050)

*Legal Reference: (see next page)*

**WAIVERS** (continued)

*Legal Reference:*

EDUCATION CODE

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*  
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*  
49550-49560 *Meals for needy students*  
51224.5 *Algebra instruction*  
51745.6 *Charter school independent study ratio*  
51870-51874 *Educational technology*  
52053-52055.55 *Immediate Intervention for Underperforming Schools Program*  
52055.600-52055.662 *High Priority Schools Grant Program*  
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*  
54000-54041 *Disadvantaged Youth Program*  
54100-54145 *Miller-Unruh Basic Reading Program*  
54407 *Waiver for compensatory education programs*  
56000-56885 *Special education programs*  
58407 *Waiver related to individualized instruction program*  
58900-58928 *Restructuring demonstration programs*  
60119 *Public hearing on sufficiency of instructional materials*  
60422 *Instructional materials funding realignment program*

*Legal Reference continued: (see next page)*

**WAIVERS** (continued)

*Legal Reference continued:*

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

13044 Waivers

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

7115 Safe and Drug Free Schools, authorized activities

*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>