

Policy 1431: Waivers

Status: ADOPTED

Original Adopted Date: 07/01/2005 | **Last Revised Date:**
12/01/2023 | **Last Reviewed Date:** 12/01/2023

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)

State

Ed. Code 33050-33053
Ed. Code 48000-48003
Ed. Code 48800
Ed. Code 51747.3
Ed. Code 56000-56865
Ed. Code 65000-65001

Management Resources

Website
Website
Website

Description

General waiver authority
Kindergartens
Attendance at community college
Charter school independent study funding
Special education programs
School site councils

Description

CSBA District and County Office of Education Legal Services
California Department of Education, Waiver Office
Commission on Teacher Credentialing

Code

0420
0420
0420.41
0420.41-E(1)
1220
1220
3280
3280
4112.23
4140
4240
4340
6111
6117
6159.2

6159.2

6178.2
9320

Description

School Plans/Site Councils
School Plans/Site Councils
Charter School Oversight
Charter School Oversight
Citizen Advisory Committees
Citizen Advisory Committees
Sale Or Lease Of District-Owned Real Property
Sale Or Lease Of District-Owned Real Property
Special Education Staff
Bargaining Units
Bargaining Units
Bargaining Units
School Calendar
Year-Round Schedules
Nonpublic, Nonsectarian School And Agency Services For Special Education
Nonpublic, Nonsectarian School And Agency Services For Special Education
Regional Occupational Center/Program
Meetings And Notices