

Davis Joint USD

Board Policy

Waivers

BP 1431

Community Relations

~~The Board of Education 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.~~

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 ~~or federal~~ law or regulation which ~~it~~SBE 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~~ If the proposed waiver request for Board approval affects a program that requires the existence of a school site council, the Superintendent or designee shall consult with and obtain the approval of any school site council's approval of the request before presenting it to the Board. As appropriate, other councils or advisory committee or site council when required 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 law the councils or advisory committees. (Education Code 33051)

(cf. 0420 - School Plans/Site Councils)

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

(cf. 1220 - Citizen Advisory Committees)

In addition, the Superintendent or designee shall ~~involve~~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)

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

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)

(cf. 6178.2 - Regional Occupational Center/Program)

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

(cf. 9320 - Meetings and Notices)

~~When~~ 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 ~~the~~ SBE for two consecutive years, the Board is does not ~~required~~ subsequently need to reapply annually ~~if provided that~~ the information contained on the request remains current. ~~However,~~ except that the district shall apply annually 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

56000-56867 Special education programs

65001 School site councils

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 DAVIS JOINT UNIFIED SCHOOL DISTRICT

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