

WAIVERS

District administrators, staff, advisory committees or councils may recommend areas in which the Governing Board may ask the State Board of Education to waive certain provisions of the Education Code, Code of Regulations, Title 5, or federal law, when these provisions prevent the District from offering its students the best possible educational program. The Board shall be provided with the information necessary to analyze the need for a waiver.

The exclusive employee representative shall participate in the development of all general waiver requests that might affect the bargaining unit.

The Board shall hold a properly noticed public hearing on all general waiver requests.

The Superintendent or designee shall consult with any advisory committees or councils which might be affected by a waiver request. If the waiver affects a program that requires the existence of a school site council, the school site council shall first approve the request.

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.

*Legal Reference:*EDUCATION CODE

8750-8754 Grants for conservation education

10400-10407 Cooperative improvement programs

15700-15754 State School Building Aid Law of 1949

15780-15795 Aid for reorganized Districts

16000-16344 State School Building Aid Law of 1952

16400-16414 State School Building Aid Bond Law of 1952

17700-17751 State School Building Lease-Purchase Law of 1976

17785-17795 Emergency School Classroom Law of 1949

22000-24944 State teachers retirement system

33050-33053 Waiver authority

39000-39018 School sites

39100-39200 CDE power and duties; plans, approval, building

39210-39234 Fitness for occupancy, school buildings

39313-39325 Leasing property

39360.5 Sale of surplus land

39363 Use of funds from sale or lease with purchase option

39363.5 Priorities for sale/lease of surplus property

39618-39621 Property maintenance

41000-41360 School finance

41600-41854 Computation of allowances

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

4520-44534 New Careers Program

WAIVERS (continued)

EDUCATION CODE (continued)

- 44666-44669 School-Based Management and Advanced Career Opportunities for Classroom Teachers Programs*
 - 44670.1-44671.5 Local Staff Development Programs*
 - 44930-44988 Resignations, dismissals, and leaves of absence*
 - 46000-46611 Attendance for computing apportionment*
 - 48900-49040 Student rights and responsibilities*
 - 49060-49078 Student records*
 - 51870-51879.5 Educational Technology Local Assistance*
 - 52000-52049 School Improvement Plans*
 - 52033 Waiver of code provisions*
 - 52160-52178.4 Bilingual-Bicultural Education Act of 1976*
 - 52200-52213 Gifted and Talented Students Program*
 - 52340-52347 Career Guidance Centers*
 - 52850-52863 School-Based Coordinated Program*
 - 54000-54061 Disadvantaged Youth Program*
 - 54100-54145 Miller-Unruh Basic Reading Program*
 - 54720-54734 School-Based Student Motivation and Maintenance*
 - 56000-56885 Special education programs*
 - 58024 Waiver for demonstration school*
 - 58407 Waiver related to individualized instruction program*
 - 58603 Waiver for compensatory education program*
- MILITARY AND VETERANS CODE**
- 500-520.1 California Cadet Corps*

Management CDE PROGRAM ADVISORIES

- 1105.90 Waiver Packet and Referral Guide*

Policy

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revised: August 14, 2006

CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California