

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION****Community Relations
WAIVERS**

The County Superintendent and County Board recognize that strict compliance with the law may sometimes hinder the ability to provide students with an effective, well-rounded educational program. When it is in the interest of students in schools or programs operated by the County Superintendent, the County Board may request that the State Board of Education (SBE) waive certain provisions of state or federal law or regulation that it has authority to waive pursuant to Education Code section 33050.

Any waiver request to be submitted to the SBE shall first be approved by the County Board. The proposed waiver request shall include information necessary for the County Board to analyze the need for the waiver and make an informed decision.

The County Board shall only approve waiver requests that comply with the requirements of Education Code section 33051, which include, but are not limited to, making sure the educational needs of the students are adequately addressed, the appropriate councils or advisory committees were given an opportunity to review the request, and the exclusive representative of employees, if any, was a participant in the development of the waiver. (Education Code 33050.)

The County Board shall hold a properly noticed public hearing during a County Board meeting to receive public testimony on each proposed waiver request. (Education Code 33050.)

If it is determined that a waiver is needed for more than one year, the County Board shall reapply to SBE. When the County Board has requested and received the same general waiver from the SBE for two consecutive years, the County Board is not required to reapply annually if the information contained on the request remains current, except that the County Board shall apply annually to the SBE for the renewal of any waiver regarding teacher credentialing. (Education Code 33051.)

Adopted: 11/18/2010

Amended: 10/18/2018, 03/16/2023

Legal ReferenceEducation 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

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION

41920-42842 Budget requirements; local taxation by school districts
44520-44534 New Careers Program
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
49550-49562 Meals for needy students
51224.5 Algebra instruction
51745.6 Charter school independent study
52160-52178 Bilingual-Bicultural Education Act of 1976
52340-52346 Career Guidance Centers
52522 Plans for adult education
52850-52863 School-based Coordinated Program
54100-54145 Miller-Unruh Basic Reading Program
54407 Waiver for compensatory education programs
56000-56867 Special education programs
58407 Waiver related to individualized instruction program
58900-58928 Restructuring demonstration programs
60119 Public hearing on sufficiency of instructional materials
60851 High school exit examination waiver for students with disabilities
65000-65001 School site councils

Code of Regulations, Title 5

3100 Waivers of maximum caseload for resource specialists
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 Safe and Drug Free Schools, authorized activities

Management Resources

Web Site

California Department of Education, Waiver Office: <http://www.cde.ca.gov/re/lr/wr>
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>