

California Department of Education

Executive Office

SBE-005 (REV. 1/2021)

General Waiver

# California State Board of EducationMay 2024 AgendaItem #W-04

## Subject

Request by **nine** local educational agenciesto waive *California Code of Regulations,* Title 5, Section 3043(d), which requires a minimum of 20 school days for an extended school year (summer school) for students with disabilities.

## Waiver Number

* San Marcos Unified School District 4-11-2023
* Hemet Unified School District 1-12-2023
* Madera County Superintendent of Schools 2-9-2023
* Butte County Office of Education 4-10-2023
* Chula Vista Elementary School District 7-10-2023
* Red Bluff Union Elementary School District 2-12-2023
* Tulare County Office of Education 3-1-2024
* La Mesa Spring Valley School District 8-12-2023
* Bakersfield City School District 19-12-2023

## Type of Action

Action, Consent

## Summary of the Issue(s)

Nine local educational agencies (LEAs) request to provide instruction in fewer than the 20 school days required by law for extended school year (ESY). Each LEA proposes an alternate schedule to provide a number of hours consistent with and comparable to the amount of hours that would have been provided to students if the length of the ESY was 20 days, but in fewer days.

ESY is the term for the education of students with disabilities “between the close of one academic year and the beginning of the next,” similar to a summer school. The ESY must be provided for each student with a disability whose individualized education program (IEP) requires it. LEAs may request a waiver to provide an ESY program for fewer days than the traditional mode.

## Authority for Waiver

*Education Code (EC)* Section 33050

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

The California Department of Education recommends the State Board of Education (SBE) approve the request from the nine LEAs to provide ESY services for fewer than 20 days with the condition that school day hours are consistent with those provided to the general education enrollment at the same grade level unless an IEP specifies otherwise. Also, special education and related services offered during the ESY period must be comparable in standards, scope, and quality to the special education program offered during the regular academic year as required by *California Code of Regulations (CCR),* Title 5, Section 3043.

## Summary of Key Issues

### San Marcos Unified School District

The San Marcos Unified School District (SMUSD) is submitting a waiver for an alternate ESY schedule. The proposed schedule consists of 16 days with 5 hours instructional hours per day for a total of 80 instructional hours for preschool through the Adult Transition Program. Per SMUSD, longer school days increase the participation of highly qualified and trained classroom teachers and staff who work with students during the school year. It also will help facilitate cost-effective services within classrooms and reduce related costs for transportation, electricity, custodial services, food services, and administration. Per SMUSD, the longer school day will increase eligible student attendance days and improve overall daily attendance. SMUSD solicited parent input and states that most parents prefer a 4-day-week schedule.

**Demographic Information**: SMUSD has a student population of 19,679 and is located in an urban area in San Diego County.

### Hemet Unified School District

Hemet Unified School District (HUSD) is submitting a waiver for an alternate ESY schedule. The proposed schedule consists of 15 days with 5.3 instructional hours per day for a total of 80 instructional hours for preschool to age 22. Per HUSD, a longer ESY day better aligns with the regular school year schedule, therefore providing more consistency for the students served. HUSD states the proposed schedule will allow them to hire highly qualified staff that work with students during the school year and provide more continuity for delivery of instruction between general education and special education. In addition, according to HUSD, the 15-day ESY schedule will result in substantial savings in transportation, utilities, food services, janitorial, administration, and clerical costs.

**Demographic Information:** HUSD has a student population of 22,836 and is located in a suburban area in Riverside County.

### Madera County Superintendent of Schools

The Madera County Superintendent of Schools (MCSS) is submitting a waiver for an alternate ESY schedule. The proposed schedule of 15 days with 6.5 instruction hours per day for a total of 97.5 instructional hours. Per the MCSS, the change in the number of days and the longer school day will better align with the regular school year and provide more consistency in instruction for the student served. In addition, according to MCSS, fewer ESY days will also result in substantial saving in transportation, utilities, janitorial, food services and other operational costs. Also, according to MCSS, a shorter ESY schedule will also increase instructional staff’s interest in participating in the ESY program.

**Demographic Information**: MCSS has a student population of 671 and is located in a rural area in Madera County.

### Butte County of Education

The Butte County of Education (BCOE) is submitting a waiver for an alternate ESY schedule. The proposed schedule consists of 15 days with 5.5 instructional hours per day for a total of 82.5 instructional hours. According to BCOE, the operation of ESY for 15 days instead of 20 will better match the district calendars of host sites where BCOE classes are located, allowing students more opportunities to be with their typically developing peers. Additionally, according to BCOE, fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food service, administration, and clerical costs to districts.

**Demographic Information:** BCOE has a student population of 100 and is located in an urban area in Butte County.

### Chula Vista Elementary School District

The Chula Vista Elementary School District (CVESD) is submitting a waiver for an alternate ESY schedule. The proposed schedule consists of 15 days with 5.4 instructional hours per day for a total of 81 instructional hours for kindergarten through sixth grade. CVESD will run a second proposed ESY schedule for Pre-Kindergarten students that consists of 15 days with 4 instructional hours per day for a total of 60 instructional hours. Per CVESD, longer school days provide greater opportunity for instructional impact, and an unintentional positive consequence is that operating for fewer days saves operational, facilities, and transportation costs. CVESD operates a year-round schedule with only a six-week summer break. According to CVESD, it is difficult for CVESD to encourage families to attend a four-week ESY program. Additionally, according to CVESD, the district had difficulties staffing a four-week ESY program because it impedes families’ and staff’s only ability to take summer vacations. According to CVESD, operating under a shorter ESY model provides for the equivalent number of instructional minutes for students, while maximizing attendance and staffing options.

**Demographic Information:** CVESD has a student population of 29,000 and is located in an urban area in San Diego County.

### Red Bluff Union Elementary School District

The Red Bluff Union Elementary School District (RBUESD) is submitting a waiver for an alternate ESY schedule.The proposed schedule consists of 15 days with 5.5 instructional hours per day for a total of 82.5 instructional hours for kindergarten through eighth grade.Per RBUESD, the 5.5 hours per day will increase the number of minutes for their ESY program and will align more closely to a regular school day for all grades. Additionally, according to RBUESD, this proposed schedule will attract highly qualified and trained classroom teachers and staff necessary to run this program.

**Demographic Information:** RBUESD has a student population of 1,842 and is located in a rural area of Tulare County.

### Tulare County Office of Education

The Tulare County Office of Education (TCOE) is submitting a waiver for an alternate ESY schedule. The proposed schedule consists of 14 days with 5.4 instructional hours per day for a total of 75.6 instructional hours for kindergarten through grade twelve. Per TCOE, longer school days provide greater opportunity for instructional impact, and an unintentional positive consequence is that operating for fewer days saves operational, facilities, and transportation costs.

**Demographic Information:** TCOE has a student population of 350 and is located in a rural area in Tulare County.

### La Mesa Spring Valley School District

La Mesa Spring Valley School District (LMSVSD) is submitting a waiver for an alternate ESY schedule. The proposed schedule consists of 15 days with 5.5 hours per day for a total of 82.5 instructional minutes for kindergarten through eighth grade. Per LMSVSD, the longer school days provide greater opportunity for instructional impact, and fewer days saves operational, facilities and transportation costs. Additionally, according to LMSVSD, the district had difficulties staffing a four-week ESY program because it impedes the ability of families and staff to take a summer vacation.

**Demographic Information:** LMSVSD has a student population of 10,835 and is located in a suburban area in San Diego County.

### Bakersfield City School District

The Bakersfield City School District (BCSD) is requesting a waiver for an alternate ESY schedule. The proposed schedule consists of 15 days with 5.5 instructional hours per day for a total of 82.5 instructional hours for Pre-Kindergarten through eighth grade. Per BCSD, the longer school days will allow BCSD to maximize student learning and lessen the typical drop in attendance. In addition, the proposed schedule will promote staffing for highly qualified special education teachers and support staff. Additionally, according to BCSD, the district has difficulties staffing a four-week ESY program because it impedes the ability of families’ and staff to take a summer vacation.

**Demographic Information:** BCSD has a student population of 28,825 and is located in an urban area in Kern County.

**Because these are general waivers, if the SBE decides to deny the waivers, it must cite one of the seven reasons in *EC* Section 33051(a), available on the California Legislation Information web page at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=33051.&lawCode=EDC>.

## Summary of Previous State Board of Education Discussion and Action

In the past, the SBE approved waivers to allow school districts to provide a number of hours consistent with and comparable to the amount of hours that would have been provided to students if the length of the ESY was 20 days in fewer days for students with disabilities.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval. However, in order for an LEA to qualify for average daily attendance (ADA) revenues for extended year pupils, LEAs must comply with the ADA requirements in *California Code of Regulations (CCR)*, Title 5, Section 3043(f).

## Attachment(s)

* **Attachment 1:** Summary Table (9 pages)
* **Attachment 2:** San Marcos Unified School District General Waiver Request 4-11-2023 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Hemet Unified School District General Waiver Request 1-12-2023 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 4:** Madera County Superintendent of Schools Office of Education General Waiver Request 2-9-2023 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 5:** Butte County Office of Education General Waiver Request 4-10-2023 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 6:** Chula Vista Elementary School District General Waiver Request 7-10-2023 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 7:** Red Bluff Union Elementary General Waiver Request 2-12-2023 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 8:** Tulare County of Education General Waiver Request 3-1-2024 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 9:** La Mesa-Spring Valley General Waiver Request 8-12-2023. (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 10:** Bakersfield City School District General Waiver Request 19-12-2023 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

*California Code of Regulations,* Title 5, Section 3043(d)

| Waiver Number | District | Period of Request | District’s Request | CDE Recommendation | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 4-11-2023 | San Marcos Unified School District | **Requested:**June 24, 2024, to July 18, 2024**Recommended**June 24, 2024, to July 18, 2024 | To provide a 16-day extended school year (ESY) program instead of a 20-day ESY program | Approval with conditions to allow the local educational agency (LEA) to provide a 15-day ESY program instead of a 20-day ESY program | Yvonne Brett, President; California School Employees AssociationOctober 6, 2023SupportDale Pluciennik, President; San Marcos Educators AssociationOctober 13, 2023Support | November 9, 2023October 12, 2023 | The LEA may not provide a 16-day ESY program |
| 1-12-2023 | Hemet Unified School District  | **Requested:**June 1, 2024, to June 30, 2024**Recommended**June 1, 2024, to June 30, 2024 | To provide a 15-day extended school year (ESY) program instead of a 20-day ESY program | Approval with conditions to allow the local educational agency (LEA) to provide a 15-day ESY program instead of a 20-day ESY program | Samantha Zavilla, President; California School Employees AssociationAugust 31, 2023SupportRebekah Young, President; Hemet Teachers AssociationSeptember 1, 2023Support | November 14, 2023 | The LEA may not provide a 15-day ESY program |
| 2-9-2023 | Madera County Superintendent of Schools  | **Requested:**June 6, 2024, to July 5, 2024**Recommended**June 6, 2024, to July 5, 2024 | To provide a 15-day extended school year (ESY) program instead of a 20-day ESY program | Approval with conditions to allow the local educational agency (LEA) to provide a 15-day ESY program instead of a 20-day ESY program | Kellie Stiles, President; California School Employees AssociationAugust 25, 2023NeutralDarryl Burton, President; Madera County Superintendent of School Teacher AssociationAugust 24, 2023Support | September 12, 2023 | The LEA may not provide a 15-day ESY program |
| 4-10-2023 | Butte County Office of Education  | **Requested:**June 13, 2024, to July 3, 2024**Recommended**June 13, 2024, to July 3, 2024 | To provide a 15-day extended school year (ESY) program instead of a 20-day ESY program | Approval with conditions to allow the local educational agency (LEA) to provide a 15-day ESY program instead of a 20-day ESY program | Sandra Rodriguez, President; California School Employees AssociationOctober 6, 2023SupportJoseph Crispin, President; Butte County Educators AssociationOctober 5, 2023Support | September 11, 2023 | The LEA may not provide a 15-day ESY program |
| 7-10-2023 | Chula Vista Elementary School District  | **Requested:**June 10, 2024, to July 1, 2024**Recommended**June 10, 2024, to July 1, 2024 | To provide a 15-day extended school year (ESY) program instead of a 20-day ESY program | Approval with conditions to allow the local educational agency (LEA) to provide a 15-day ESY program instead of a 20-day ESY program | Angela Reed, President; California School Employees AssociationSeptember 18, 2023SupportRosie Martinez, President; Chula Vista Educators AssociationSeptember 19, 2023Support | October 18, 2023 | The LEA may not provide a 15-day ESY program |
| 2-12-2023  | Red Bluff Union Elementary School District  | **Requested:** June 11, 2024, to July 2, 2024**Recommended** June 11, 2024, to July 2, 2024 | To provide a 15-day extended school year (ESY) program instead of a 20-day ESY program | Approval with conditions to allow the local educational agency (LEA) to provide a 15-day ESY program instead of a 20-day ESY program | Annette Arnold, President; California School Employees AssociationOctober 16, 2023SupportConnie Schararga, President; California Teachers Association October 17, 2023Support | November 14, 2023 | The LEA may not provide a 15-day ESY program |
| 3-1-2024 | Tulare County Office of Education  | **Requested:**June 10, 2024, to June 28, 2024**Recommended**June 10, 2024, to June 28, 2024  | To provide a 14-day extended school year (ESY) program instead of a 20-day ESY program | Approval with conditions to allow the local educational agency (LEA) to provide a 14-day ESY program instead of a 20-day ESY program | Leslie Bell, President; California School Employees AssociationOctober 3, 2023SupportJoshua Curtiss, President; California Teachers AssociationOctober 6, 2023Support | October 11, 2023 | The LEA may not provide a 14-day ESY program |
| 8-12-2023 | La Mesa Spring Valley School District  | **Requested:**June 24, 2024, to July 19, 2024**Recommended**June 24, 2024, to July 19, 2024 | To provide a 15-day extended school year (ESY) program instead of a 20-day ESY program | Approval with conditions to allow the local educational agency (LEA) to provide a 15-day ESY program instead of a 20-day ESY program | Ahmad Swinton, President; California School Employees AssociationNovember 29, 2023SupportDennis Blevins, President; California Teachers AssociationNovember 29, 2023Support | December 12, 2023 | The LEA may not provide a 15-day ESY program |
| 19-12-2023 | Bakersfield City School District  | **Requested:**June 10, 2024, to June 28, 2024**Recommended**June 10, 2024, to June 28, 2024 | To provide a 15-day extended school year (ESY) program instead of a 20-day ESY program | Approval with conditions to allow the local educational agency (LEA) to provide a 15-day ESY program instead of a 20-day ESY program | Steve Comstock , President; Bakersfield Elementary Teachers AssociationNovember 29, 2023SupportDinah May Jiminez , President; California School Employees AssociationNovember 29, 2023Support | December 18, 2023 | The LEA may not provide a 15-day ESY program |

Created by the California Department of Education
May 2024

# Attachment 2: San Marcos Unified School District General Waiver Request 4-11-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3773791

Waiver Number: 4-11-2023

Active Year: 2023

Date In: 11/17/2023 11:25:07 AM

Local Education Agency: San Marcos Unified

Address: 255 Pico Ave., Ste. 250

San Marcos, CA 92069

Start: 6/24/2024

End: 7/18/2024

Waiver Renewal: Yes

Previous Waiver Number: 2-12-17-W-13

Previous SBE Approval Date: 3/3/2023

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR*, Title5, Section 3043(d)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: [(d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.]

Outcome Rationale: Summary of Key Issues

San Marcos Unified School District requests to waive the California *Education Code* of Regulations, Title 5, Section 3043(d), which requires a minimum of 20 school days of attendance of four hours each for an extended school year (summer school) for special education students. The district provides ESY services for eligible students with disabilities in preschool through the Adult Transition Program at two sites during the scheduled program. The district proposes a four-week ESY program over 16 days, equivalent to the number of instructional hours provided in a 20-instructional day calendar (including holidays), by lengthening the daily schedule.

San Marcos Unified School District proposes to provide ESY services utilizing a 16-day model over four weeks at 5 hours per day, including holidays (16 days x 5 hours = 80 hours attendance hours would be 8:30-1:30), providing the same number of instructional hours as in a traditional 20-day model, including holidays ( 20 days X 4 hours = 80 hours). The proposed model, which extends daily attendance time, results in required instructional time totals but provides for a reduction in total days of attendance to 16 days, Monday through Thursday, over four weeks.

San Marcos Unified School District believes the proposed model has:

Continue to increase the participation of highly qualified and trained classroom teachers and staff who work with students during the school year.

Help facilitate cost-effective services within classrooms and reduce related costs for transportation, electricity, custodial services, food services, administration, etc.

Increase eligible student attendance.

Improve overall daily attendance. Parent input was solicited, and most parents prefer the 4-day-per-week schedule.

This waiver would increase daily instruction time, limiting the impact on instructional minutes caused by student transit time from bus to classroom.

For the purposes of reimbursement for average daily attendance, the ESY program:

Must provide instruction of at least as many minutes over the shorter period as would have been provided during a typical 20-day program;

Must be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age level unless otherwise specified in the individualized education program to meet a pupil’s unique needs; and

Must offer special education and related services during the extended school year period that are comparable in standards, scope, and quality to the special education program offered during the regular academic year.

Student Population: 19679

City Type: Urban

Public Hearing Date: 10/12/2023

Public Hearing Advertised: Social Media, Web Site, Parent Communication System, YouTube

Local Board Approval Date: 11/9/2023

Community Council Reviewed By: LEA Advisory Committee -Special Education

Community Council Reviewed Date: 9/20/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Lori Cummins

Position: Special Education Director

E-mail: lori.cummins@smusd.org

Telephone: 760-752-1223

Bargaining Unit Date: 10/06/2023

Name: California School Employee Assoc Chapter 413

Representative: Yvonne Brett

Title: President

Phone: 7602902230

Position: Support

Bargaining Unit Date: 10/13/2023

Name: San Marcos Educators Association

Representative: Dale Pluciennik

Title: President

Phone: 7607521223

Position: Support

# Attachment 3: Hemet Unified School District General Waiver Request 1-12-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3367082

Waiver Number: 1-12-2023

Active Year: 2023

Date In: 12/1/2023 12:03:54 PM

Local Education Agency: Hemet Unified

Address: 1791 West Acacia Ave.

Hemet, CA 92545

Start: 6/1/2024

End: 6/30/2024

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 5 *CCR* 3043

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 3043 Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection (f).

(a) Extended year special education and related services shall be provided by a school district, special education local plan area, or county office offering programs during the regular academic year. (b)Individuals with exceptional needs who may require an extended school year are those who: (1) Are placed in special classes or centers; or (2) Are individuals with exceptional needs whose individualized education programs specify an extended year program as determined by the individualized education program team. (c) The term "extended year" as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term "academic year" as used in this section means that portion of the school year during which the regular day school is maintained, which period must include not less than the number of days required to entitle the district, special education services region, or county office to apportionments of state funds, [(d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays]

Outcome Rationale: Hemet Unified School District is proposing to provide Extended School Year (ESY) utilizing a 15-day schedule of 5 hours and 20 minutes per day, totaling 80.0 hours of instruction. The proposed 15-day schedule will provide more program time than the typical 20-day ESY schedule of services to students with disabilities from preschool to age 22. This proposal of a longer ESY day better aligns with the regular school year schedule, therefore providing more consistency for the students served. The Hemet Unified School District states the proposed schedule will allow them to hire highly-qualified staff that work with students during the school year, and provide more continuity for delivery of instruction between general education and special education.

The Hemet Unified School District serves a large geographical region and the proposed 15-day schedule will better accommodate the many students who require designated instructional services. Parents, students, and staff support the shortened ESY schedule. In addition, the 15-day ESY schedule will result in substantial savings in transportation, utilities, food services, janitorial, administration, and clerical costs.

Student Population: 22836

City Type: Suburban

Public Hearing Date: 11/14/2023

Public Hearing Advertised: Posted online and at school sites

Local Board Approval Date: 11/14/2023

Community Council Reviewed By: CAC (County Advisory Committee) of Riverside

Community Council Reviewed Date: 10/17/2023

Community Council Objection: Yes

Community Council Objection Explanation: No other District in the Riverside County SELPA is requesting a 15 day ESY waiver

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Yvette Rosales

Position: Special Ed Coordinator

E-mail: yrosales@hemetusd.org

Telephone: 951-765-5100 x4020

Bargaining Unit Date: 08/31/2023

Name: California School Employee Association

Representative: Samantha Zavilla

Title: President

Phone: 951-663-8807

Position: Support

Bargaining Unit Date: 09/01/2023

Name: Hemet Teachers Association

Representative: Rebekah Young President

Title: Yes

Phone: 951-392-1729

Position: Support

# Attachment 4: Madera County Superintendent of Schools General Waiver Request 2-9-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 2010207

Waiver Number: 2-9-2023

Active Year: 2023

Date In: 9/13/2023 4:49:56 PM

Local Education Agency: Madera County Superintendent of Schools

Address: 1105 South Madera Ave.

Madera, CA 93637

Start: 6/10/2024

End: 7/5/2024

Waiver Renewal: Yes

Previous Waiver Number: 4-10-2022-WC-02

Previous SBE Approval Date: 1/19/2023

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR*, Title 5, Section 3043(d)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: Section 3043 - Extended School Year

3043 Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil’s educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection (f).

(a) Extended year special education and related services shall be provided by a school district, special education local plan area, or county office offering programs during the regular academic year.

(b) Individuals with exceptional needs who may require an extended school year are those who: (1) Are placed in special classes or centers; or (2) Are individuals with exceptional needs whose individualized education programs specify an extended year program as determined by the individualized education program team.

(c) The term “extended year” as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term “academic year” as used in this section means that portion of the school year during which the regular day school is maintained, which period must include not less than the number of days required to entitle the district, special education services region, or county office to apportionments of state funds.

Outcome Rationale: The Madera County Superintendent of Schools proposes to provide ESY services to identified students with special needs utilizing a fifteen (15) day, six and one half (6.5) hours of instruction per day, including recess and lunch, for a total of 97.5 hours of instruction. Because a change in routine is often difficult for students with moderate/severe disabilities, the longer school day for ESY will better align with the regular school year providing more consistency in instruction for the students served.

Fewer ESY days will also result in substantial saving in transportation, utilities, janitorial, food services and other operational costs. A shorter ESY schedule will also increase instructional staff’s interest in participating in the ESY program.

In the Madera area, the ESY program for MCSOS would run from June 10, 2024, through June 28, 2024. In Eastern Madera County, ESY would be conducted June 17, 2024, through July 5, 2024. In the Chowchilla area, ESY would be conducted June 10, 2024, through June 28, 2024.

Student Population: 410

City Type: Small

Public Hearing Date: 9/12/2023

Public Hearing Advertised: Notices of public hearing posted at school sites and Madera County Superintendent of Schools

Local Board Approval Date: 9/12/2023

Community Council Reviewed By: Gould Educational Center School Site Council with no objections

Community Council Reviewed Date: 8/30/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Jessica Drake

Position: Executive Director, Student Programs & Services

E-mail: jdrake@mcsos.org

Telephone: 559-673-6051 x4669

Fax: 559-674-7468

Bargaining Unit Date: 08/25/2023
Name: California School Employees Association, Chapter 7
Representative: Kellie Stiles
Title: President
Phone: 559-673-6051
Position: Neutral

Bargaining Unit Date: 08/24/2023
Name: Madera County Superintendent of school Teacher Association
Representative: Darryl Burton
Title: President
Phone: 559-673-6051
Position: Neutral

# Attachment 5: Butte County of Education General Waiver Request 4-10-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 0410041

Waiver Number: 4-10-2023

Active Year: 2023

Date In: 10/25/2023 9:36:15 AM

Local Education Agency: Butte County Office of Education

Address: 1859 Bird St.

Oroville, CA 95965

Start: 6/13/2024

End: 7/3/2024

Waiver Renewal: Yes

Previous Waiver Number: 6-10-2022-WC-02

Previous SBE Approval Date: 3/6/2023

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR*, Title 5, Section 3043(d)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: Extended school year services shall be provided, in accordance with 34 C.F.R. section 300.106, for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have disabilities which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disabling condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the IEP team determines the need for such a program and includes extended school year in the IEP pursuant to subdivision (e).

(a) Extended year special education and related services shall be provided by a school district, SELPA, or county office offering programs during the regular academic year.

(b) Individuals with exceptional needs who may require an extended school year are those who:

(1) Are placed in special classes; or

(2) Are individuals with exceptional needs whose IEPs specify an extended year program as determined by the IEP team.

(c) The term “extended year” as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term “academic year” as used in this section means that portion of the school year during which the regular day school is maintained, which period must include not less than the number of days required to entitle the district, special education services region, or county office to apportionments of state funds.

(d) [An extended year program shall be provided for a minimum of 20 instructional days, including holidays.]

Outcome Rationale: Butte County Office of Education (BCOE) has applied for a waiver to Ed Code 5 *CCR* 3043 which discusses Extended School Year (ESY) services. The waiver request addresses the length of day and number of days an ESY program is offered. CDE has granted the waiver to BCOE since the 2011-12 school year. We are seeking to renew this request for a General Waiver from the California Department of Education. If granted, the waiver would be in effect for one school year. Rationale: BCOE proposes to provide ESY services to identified students with special needs utilizing a fifteen (15) day, five and one half (5.5) hours/day instructional model, rather than the traditional model of twenty (20) days, four (4) hours/day of instructional time. Students will receive the same or greater number of instructional minutes. The longer school day will align better with the regular school year providing more consistency for the students served. Additionally, the operation of ESY for 15 days instead of 20 will better match the district calendars of host sites where BCOE classes are located, allowing students more opportunities to be with their typically developing peers. On a fiscal side, fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food service, administration, and clerical costs to districts. ESY will run 6/13/2024 – 7/3/2024.

Student Population: 100

City Type: Rural

Public Hearing Date: 9/11/2023

Public Hearing Advertised: Notice posted at each school site and at 3 other non-school locations.

Local Board Approval Date: 9/11/2023

Community Council Reviewed By: School Site Council

Community Council Reviewed Date: 10/5/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Maryanne Taylor

Position: Senior Director, Student Educational Services

E-mail: mtaylor@bcoe.org

Telephone: 530-532-5791

Fax: 530-532-5794

Bargaining Unit Date: 10/06/2023

Name: 436

Representative: Sandra Rodriguez

Title: President

Phone: 530-532-5932

Position: Support

Bargaining Unit Date: 10/09/2023

Name: 736

Representative: Jason Huston

Title: President

Phone: 530-532-5770

Position: Support

Bargaining Unit Date: 10/05/2023

Name: Butte County Teachers Association

Representative: Joseph Crispin

Title: President

Phone: 530-532-5740

Position: Support

# Attachment 6: Chula Vista Elementary School District General Waiver Request 7-10-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768023

Waiver Number: 7-10-2023

Active Year: 2023

Date In: 10/30/2023 2:10:45 PM

Local Education Agency: Chula Vista Elementary

Address: 84 East J St.

Chula Vista, CA 91910

Start: 6/1/2024

End: 7/30/2024

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR*, Title 5, Section 3043(d)

Ed Code Authority: *California Code of Regulations*

*Education Code* or *CCR* to Waive: *CCR*, Title 5, Section 3043(d), requires a minimum of 20 school days of attendance for an extended school year (summer school) for special education students.

Outcome Rationale: Chula Vista Elementary School District requests a waiver to modify the required Special Education extended school year from 20 days to 15 days. There is no summer school program for general education students in the District.

The Chula Vista Elementary School District operates a year-round schedule with only a six-week summer break. It is difficult to have families attend a four-week ESY program and also difficult to staff a four-week ESY program because that impedes families’ and staff’s only ability to take summer vacations with families. Operating under this model provides for the equivalent number of instructional minutes for students while maximizing attendance and staffing options.

To provide Extended School Year services to all students, we are requesting a reduced number of days, while still providing the same number of hours as would have been provided in a 20-day program (80 hours). Without it, we experience difficulties with both staffing and attendance of students.

The program for K-6 will be: June 10, 2024 – July 1, 2024 (District Holiday 6/19) 5 hours 25 minutes/day (80 hours); PreK will be: June 10, 2024 – July 1, 2024 (District Holiday 6/19) 4 hours/day (60 hours). This will provide an appropriate break for staff and students, and allow us to appropriately staff the program and provide services to all students across the District. Students would receive the full 80 hours (K-6) and 60 hours (PreK) of instruction required by Ed Code. In addition, we have learned that longer school days provide greater opportunity for instructional impact, and an unintentional positive consequence is that operating for fewer days saves operational, facilities, and transportation costs.

Student Population: 29000

City Type: Urban

Public Hearing Date: 10/18/2023

Public Hearing Advertised: On the District wesite and on a public bulletin board.

Local Board Approval Date: 10/18/2023

Community Council Reviewed By: Parent District Advisory Committee/ Community Schools Steering committee

Community Council Reviewed Date: 9/12/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Sharon Casey

Position: Assistant Superintendent

E-mail: sharon.casey@cvesd.org

Telephone: 619-425-9600 x181701

Bargaining Unit Date: 09/18/2023

Name: Chula Vista Classified Employee Organization

Representative: Angela Reed

Title: CVCEO President

Phone: 619-425-9600

Position: Support

Bargaining Unit Date: 09/19/2023

Name: Chula Vista Educators

Representative: Rosie Martinez Martinez

Title: CVE President

Phone: 619-425-9600

Position: Support

# Attachment 7: Red Bluff Union Elementary General Waiver Request 2-12-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 5271621

Waiver Number: 2-12-2023

Active Year: 2023

Date In: 12/7/2023 8:20:53 AM

Local Education Agency: Red Bluff Union Elementary

Address: 1755 Airport Blvd., Administration Bldg.

Red Bluff, CA 96080

Start: 6/11/2024

End: 7/2/2024

Waiver Renewal: Yes

Previous Waiver Number: 11-12-2020-W-07

Previous SBE Approval Date: 6/3/2021

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: T5*CCR* 3043(d)

Ed Code Authority: *CCR*

*Education Code* or *CCR* to Waive: This request is made by Red Bluff Elementary School District to waive the *California Code of Regulations*. Title 5, section 3043 9d, which requires a minimum of 20 school days for extended school year (Summer School) for student with disabilities.

Outcome Rationale: RBUESD is requesting a waiver to allow the District to operate an Extended School Year Program for 15 days in June-July 2024. The K-8 ESY will operate for 5.5 hours a day for 15 days rather than 4 hours a day for 20 days. Per the request of this program, the 5.5 hours per day will increase the number of minutes for our ESY program and will align more closely to a regular school day for all grade. Additionally, this schedule will attract highly qualified and trained classroom teachers and staff necessary to run this program.

Student Population: 307

City Type: Rural

Public Hearing Date: 11/14/2023

Public Hearing Advertised: Posted in a public location

Local Board Approval Date: 11/14/2023

Community Council Reviewed By: Student Site Council - Bidwell Campus / Red Bluff Union Elementary School Board

Community Council Reviewed Date: 10/26/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Suzanne Adkins

Position: Director for Student Support Services

E-mail: sadkins@rbuesd.org

Telephone: 530-527-7200 x5122

Fax: 530-527-9308

Bargaining Unit Date: 10/16/2023

Name: California School Employee Association

Representative: Annette Arnold

Title: CSEA President

Phone: 530-200-2301

Position: Support

Bargaining Unit Date: 10/17/2023

Name: Red Bluff Elementary Educators Associations

Representative: Connie Scharaga

Title: RBEAA President

Phone: 530-840-6648

Position: Support

# Attachment 8: Tulare County Office of Education General Waiver Request 3-1-2024

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 5410546

Waiver Number: 3-1-2024

Active Year: 2024

Date In: 1/16/2024 7:49:59 AM

Local Education Agency: Tulare County Office of Education

Address: TCOE Special Services

Visalia, CA 93278

Start: 6/10/2024

End: 6/28/2024

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR*, Title 5, Section 3043(d)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: Title 5 3043 (d) [An extended year program shall be provided for a minimum of 20 instructional days, including holidays]

Outcome Rationale: We request to provide within 14 days of increased minutes, the time equal to the normally provided 20 days as required by *CCR*, Title 5, 3043 (d). Services are to be provided in a 14 day period, 325 minutes daily to ensure students are receiving adequate instructional minutes. The will enable us to align with district program operations, ensure access to needed facilities, and reduce transportation time for students. Students will receive as much or more instruction as general education peers in a summer program.

Student Population: 350

City Type: Rural

Public Hearing Date: 10/11/2023

Public Hearing Advertised: The public hearing was posted at our County Office building and emailed to local districts.

Local Board Approval Date: 10/11/2023

Community Council Reviewed By: Superintendent Governance Committee and Tulare County Office of Education Board

Community Council Reviewed Date: 9/26/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Sarah Hamilton

Position: Administrator

E-mail: sarahh@tcoe.org

Telephone: 559-730-2910 x5128

Bargaining Unit Date: 10/03/2023

Name: California School Employees Association

Representative: Leslie Bell

Title: Union President

Phone: 559-781-0843

Position: Support

Bargaining Unit Date: 10/06/2023

Name: California Teachers Association

Representative: Joshua Curtiss

Title: Union President

Phone: 559-730-2529

Position: Support

# Attachment 9: La Mesa-Spring Valley School District General Waiver Request 8-12-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3768197

Waiver Number: 8-12-2023

Active Year: 2023

Date In: 12/15/2023 10:38:47 AM

Local Education Agency: La Mesa-Spring Valley

Address: 4750 Date Ave.

La Mesa, CA 91942

Start: 6/15/2024

End: 7/30/2024

Waiver Renewal: No

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 3043 (d)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: *CCR*, Title 5, Section 3043(d), requires a minimum of 20 school days of attendance for an extended school year (summer school) for special education students.

Note: *Education Code* does not specify the number of hours for the ESY instructional program. The number of hours provided per day is based on student IEPs and District scheduling.

Outcome Rationale: La Mesa Spring Valley School District requests a waiver to modify the required Special Education extended school year from 20 days to 15 days (14 actual school days plus Holiday credit for July 3rd). There is no summer school program for general education students in the District. The 2023-24 school year ends on June 14 for students and teachers. The 2024-25 school year starts on August 5, 2024 for teachers, and August 8, 2024 for students on modified year-round calendars.

Holding a traditional 20-day ESY would provide a schedule of June 24- July 19, 4 hours/day, minus holiday (80 hours). This would provide a shortened break period for students and staff, of only 10 days for staff, and 13 days for students.

Holding a modified 15 -day ESY, would provide a schedule of June 24 - July 12, 2024

5 hours 30 minutes/day (82.5 hours). This would provide a break of 15 work days for staff, 18 school days for students. Students would receive the full 80 hours of instruction. Longer days can provide greater opportunity for instructional impact. Fewer days saves operational, facilities, and transportation costs.

Student Population: 10835

City Type: Suburban

Public Hearing Date: 12/12/2023

Public Hearing Advertised: posted agendas, website notification, social media posts

Local Board Approval Date: 12/12/2023

Community Council Reviewed By: LINK committee, Educational Services Leadership Team

Community Council Reviewed Date: 11/6/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Eileen Cotter

Position: Director of Special Education

E-mail: eileen.cotter@lmsvschools.org

Telephone: 619-668-5700 x6226

Bargaining Unit Date: 11/29/2023

Name: California School Employees Association

Representative: Ahmad Swinton

Title: President, CSEA

Phone: 619-668-5700

Position: Support

Bargaining Unit Date: 11/29/2023

Name: California Teachers Association

Representative: Dennis Blevins

Title: President, CTA

Phone: 619-668-5700

Position: Support

# Attachment 10: Bakersfield City School District General Waiver Request 19-12-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1563321

Waiver Number: 19-12-2023

Active Year: 2023

Date In: 12/23/2023 4:15:25 PM

Local Education Agency: Bakersfield City

Address: 714 Williams St

Bakersfield, CA 93305

Start: 6/10/2024

End: 6/28/2024

Waiver Renewal: No

Previous Waiver Number: 5-3-2023-WC-07

Previous SBE Approval Date: 07-12-2023

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: 5 *CCR*, Section 3043(d)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: *CCR*, Section 3043(d). (a) Extended year special education and related services shall be provided by aschool district, SELPA, or county office offering programs during the regular academic year. [(d) An extended year program shall beprovided for a minimum of 20 instructional days, including holidays.]

Outcome Rationale: The Bakersfield City School District (BCSD) is requesting a waiver form the California Department of Education to modify the required special education extended school year from 20 days to 15 days. BCSD will utilize a 15-day schedule, exclusive of any approved holidays, for 5 hours 30 minutes per day totaling 82.5 hours of instructional minutes for students while maximizing both student attendance and staffing options. The proposed 15 days will also allow special education students attending ESY to be in alignment with the District’s General Education Summer Learning Program.

BCSD is the largest Prek-8 elementary district and is a Single District SELPA. We have nearly 1200 students who are eligible for ESY services. In recent years, even pre-pandemic, our families and students found it challenging to maintain attendance for the full 20 days. The geographic area for our attendance boundaries is expansive and students have long bus routes to attend class. As the summer progresses, more and more students drop from the program minimizing the effectiveness of ESY for these students. This proposed ESY schedule will allow BCSD to maximize student learning and lessen the typical drops in attendance. In addition, this schedule will promote staffing with highly qualified special education teachers and support staff given the session will end with adequate time for staff, students, and their families to get a much-needed opportunity to re-charge for the upcoming school year.

Student Population: 1200

City Type: Urban

Public Hearing Date: 12/19/2023

Public Hearing Advertised: District Website

Local Board Approval Date: 12/19/2023

Community Council Reviewed By: Community Advisory Committee

Community Council Reviewed Date: 11/6/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Nikki Stiles

Position: Director of Special Education

E-mail: stilesn@bcsd.com

Telephone: 661-631-5863

Bargaining Unit Date: 11/29/2023

Name: Bakersfield Elementary Teachers Association

Representative: Steve Comstock

Title: President - BETA

Phone: 661-327-4567

Position: Support

Bargaining Unit Date: 11/29/2023

Name: California School Employees Association

Representative: Dinah May Jimenez

Title: President - CSEA

Phone: 661-863-0298

Position: Support