

KERN COUNTY BOARD OF EDUCATION

BOARD BYLAWS

WAIVERS

The County Board of Education recognizes 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 County Office of Education (COE) schools or programs, the County Board may request that the State Board of Education (SBE) waive any provision of state or federal law or regulation which it has authority to waive pursuant to Education Code 33050.

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

The Board shall only approve waiver requests that comply with the requirements of Education Code 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)

The notice, which shall state the time, date, location, and subject of the public hearing, may be printed in a newspaper of general circulation or posted at the COE, each school site, and three public places in the county.

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. (Education Code 33051)

Legal Reference:

EDUCATION CODE

305-311 Structured English immersion program; parental exception waivers

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
 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
 49550-49560 Meals for needy students
 51224.5 Algebra instruction
 51745.6 Charter school independent study ratio
 52160-52178 Bilingual-Bicultural Education Act of 1976
 52340-52346 Career Guidance Centers
 52522 Plans for adult education
 52850-52863 School-Based Program Coordination
 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 student with disabilities
 CODE OF REGULATIONS, TITLE 5
 1032 Academic Performance Index
 3100 Resource specialist caseload waivers
 3945 Cooperative programs
 9531 Instructional materials funding
 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