

Riverside County Office of Education
Board Policy 1431 Waivers

COMMUNITY RELATIONS

SUBJECT: Waivers

The County Board of Education (County Board) recognizes that circumstances may arise in the operation of the County Office of Education (County Office) that require a waiver from state law or regulation. When it is in the interest of students in County Office 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 SBE has authority to waive pursuant to Education Code 33050.

Any waiver request to be submitted to 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 County 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 shall invite public testimony and shall state the time, date, location, and subject of the public hearing. The notice shall be printed in a newspaper of general circulation, posted at the County Office, each school site, and three public places in the county, or published on the County Office's website.

If the County Office determines 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 SBE for two consecutive years, the County Board does not subsequently need to reapply annually provided that the information contained on the request remains current, except that the County Board shall apply annually to SBE for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources	Description
Website	CSBA District and County Office of Education Legal Services
Website	Commission on Teacher Credentialing
Website	California Department of Education, Waiver Office

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State	Description
Ed. Code 33050-33053	General waiver authority
Ed. Code 42238.02	Apportionment and revenue control
Ed. Code 48000-48003	Kindergarten
Ed. Code 48800	Attendance at community college
Ed. Code 51747.3	Charter school independent study funding
Ed. Code 52160-52178	Bilingual-Bicultural Education Act of 1976
Ed. Code 56000-56867	Special education programs
Ed. Code 58407	Waiver related to individualized instruction program

Cross References

Code	Description
0420.41	Oversight Of County Charter Schools
0420.41-E(1)	Oversight Of County Charter Schools