

**CLASSIFICATION:** Community Relations

**ADOPTED:** 4/14/99

**REVISED:**

**SUBJECT:** Waivers

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The County Board of Education (Board) may request the State Board of Education to waive certain provisions of the Education Code and the California Code of Regulations, Title 5. Staff shall identify the need for waiver requests and provide the Board information needed to make the waiver request.

#### GENERAL WAIVER REQUESTS

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

The Board shall include the exclusive employee representatives in the development of the waiver. A waiver request must include a statement as to when the exclusive employee representatives participated in the development of the waiver and the exclusive employee representatives' positions on the waiver. Waiver requests shall include a written summary of any opposition of bargaining unit(s).

#### SPECIFIC WAIVER REQUESTS

The Board shall hold a properly noticed public hearing on all specific waiver requests when required by law or when the Board desires community participation in the development of the waiver.

The Board may grant, in whole or in part, any request for waiver when the facts indicate that failure to grant the waiver would hinder the implementation of a student's individualized education program or compliance by a district, special education local plan area, or the San Diego County Office of Education with federal mandates for a free, appropriate education for children or youth with disabilities.

**Legal Reference:** Education Code  
33050 - 33053, 56000 - 56885  
California Code of Regulations, Title 5  
13017, 13044  
United States Code, Title 20  
1400 - 1491o *Individuals with Disabilities in Education Act*