

Caseload Waivers

* Caseload waiver info (see addendum)

1. A resource specialist has 31 on her caseload and is being told by the administration to just be patient, the district is trying to work something out: a few students may move out or they may try to hire a part time person. Is it time for a waiver? If yes, where does the teacher get one? (2009 Winter)

Yes, it is time to request a waiver to protect the rights of the students you are providing service to. California Code of Regulations Title 5: Education 3100 states that “A school district, special education local planning area, county office of education, or any other public agency providing special education or related services may request the State Board of Education to grant a waiver of the maximum resource specialist caseload, as set forth in Education Code 56363(c), **only if** the waiver is necessary or beneficial either (1) to the content and implementation of a pupil’s individualized education program and does not abrogate any right provided individuals with exceptional needs by specified federal law or (2) to the agency’s compliance with specified federal law.

If you want a copy of the waiver go to the following site:
<http://www.cde.ca.gov/re/lr/wr/documents/caseloadwaiverrev.doc> . The local educational agency is the one who should be initiating the process. They fill out the first several pages and the resource specialist fills out the last page. This page asks the teacher to assure the State Board of Education that they can reasonably manage the excess caseload and that all students served will receive all the services stated in their IEPs. It also asks you to say “yes” or “no” to the waiver. If you agree to the waiver it is usually approved, if you disagree it is generally denied.

Note: On the 3rd page of the caseload waiver request the local educational agency has to guarantee that you have at least 5 hours of aide time per day.

If you are having trouble getting your local educational agency to submit a waiver request work with your local bargaining unit. They can assist you in this process. Provide them with the information in this newsletter to clarify any questions they may have in assisting you.