

# General Waiver Instructions

Instructions for preparing a general waiver for online submission.

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**General Waivers** – *California Education Code (EC)* sections 33050-33053 permit the State Board of Education (SBE) to waive most, but not all, *EC* sections or the *California Code of Regulations* Title 5 (5CCR). This is known as the general waiver authority; it is not program specific. In the absence of specific waiver authority for the subject you need, this is the appropriate course to take.

NOTE: there are some *EC* sections excepted (a waiver is not permitted) from this authority as [listed in EC 33050 \(a\)\(1\) through \(20\)](#) . Please be sure to check this list before requesting a waiver under this authority. In addition, elsewhere in the *EC*, there are specific chapter articles or sections excluded from the general waiver authority.

**Identification Information: CD Code (7 digit)** – This code number identifies the county and the district or county office of education (not the school) and is populated from the *California Public School Directory*.

**Local Educational Agency (LEA)** - The governing board of a school district, or a county board of education are eligible to request specific waivers from the SBE. Regional occupational program/centers may apply if approved by a unanimous vote of the governing board of the joint powers agency. Charters and non-public schools may not request general waivers. Those waivers must be requested on their behalf by their authorizing district or county office of education.

**Contact Name and Recipient of Approval/Denial Notice/E-mail Address** - List the name of the person who is most knowledgeable about this waiver request, which may be the person completing the form. California Department of Education (CDE) staff frequently must call or e-mail for additional information and questions about the waiver contents.

**Address, City, State, Zip, Phone Number/Fax Number** – Fill in these fields for the address and the phone number (include extension number, please) and the fax number of the LEA making the request.

**Period of Request** - Generally, this is a period of time as requested by the LEA, consistent with the purpose of the waiver. Specifically indicate the month/day/year for the beginning and ending time of the waiver that you are requesting.

NOTE: Under *EC* Section 33051(b): Districts that have requested and received approval for the same general waiver for two consecutive years may not be required to reapply annually if the information contained on the request remains current. The SBE always retains the authority to require updated information, or rescind the waiver request, once granted.

**Local Board Approval Date/and Public Hearing Date (Both Required)** - State the date that the local school board approved this waiver request.

## Legal Criteria

**Under the general waiver authority of California Education Code sections 33050-33053, the particular EC or CCR section(s) to be waived** - Write the *EC* section number(s) or (5 CCR) section number(s), which you want to waive (in part or in whole). Give a brief description of the topic of the waiver. **If this is a Renewal of a Previously Approved Waiver** - List the previous waiver number and date the SBE approved the original waiver.

**Collective Bargaining Unit Information** - This item is required for general waivers. Failure to involve the bargaining unit as a participant in the waiver process is a cause for denial of the waiver per *EC* Section 33051(7). This involvement would be best if it is before the public hearing and board vote on the waiver request. The district or county's obligation to consult unions is not restricted to contract issues. Although union support is not a required condition for State Board approval, the request must reflect the district's efforts to involve any bargaining units. The position of the bargaining must be clearly marked, and explained if they are opposed.

**Public Hearing Requirement** - General waivers require the local board to conduct a public hearing on the waiver request before the SBE can consider it. A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. The notice must specifically invite public testimony. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district (modeled after *EC* Section 5362).

**Advisory Committee/Schoolsite Council/Other Parent and Common Groups** This item is also required for general waivers. Failure to gain approval from the schoolsite council in a waiver of any program requiring the existence of a school site council is a cause for denial (*EC* Section 33051(2)) of the waiver. This involvement should be before the public hearing and board vote on the waiver.

For some topics, there may be another committee or council with an interest in the waiver, and they must be consulted. If a written summary of any objections from the committee or council is not included, this is also grounds for denial based on *EC* Section 33051(3).

**California Education Code or California Code of Regulations section(s) to be waived** - Type in the actual text of the pertinent section of the law (*EC*) or regulation (5 CCR) to waive. Use [brackets] to indicate what sections or portions of sections are to be waived.

**Desired Outcome/Rationale** - State as briefly as possible what this waiver will accomplish. Please do not restate the law. Briefly describe the circumstances that brought the request and why the waiver is necessary to achieve improved student performance and/or streamline local agency operations. Many waivers need additional materials and other data provided as attachments to support this section. If you are unsure of what extra materials to provide call the Waiver Office, or the CDE Consultant who works on that particular type of waiver.

**For a Renewal Waiver Only**, the district also must certify. Complete this section of certification to three stipulations to which affirmative answers will allow the waiver to go as a renewal.

**Apportionment Related Audit Penalty** - Is this a waiver associated with an apportionment related audit penalty per *EC* Section 41344? If so, yes attach an explanation of the audit finding or a copy of the audit finding. Currently, due to statute, the SBE cannot waive these types of findings.

**Categorical Program Monitoring (CPM)** - Is this waiver associated with an item that is a noncompliance finding on the CPM? If yes, attach an explanation or a copy of the noncompliance finding.

**District or County Certification** - The district or county office of education Superintendent or designee must certify to the accuracy of the information and date the request.

## Waiver Request System

Logon

User Name:  x

Password:

Centralized Authentication System (CAS) User Links: [Update](#) | [New Registration](#) | [Forgot Password](#)

**NOTICE:** You must be a registered user in CDE's Centralized Authentication System (CAS) to logon to submit a waiver. Use the links above to create a new registration or update your existing registration to proceed.

[Questions: Waiver Office | 916-319-0824](#)

California Department of Education  
1430 N Street  
Sacramento, CA 95814

Go to **New Registration** to get a user name and password

Once you log on, go to the menu – under General Waiver, select “Other General Waiver (not listed above).” This is the last choice on the general list.

Complete the on-line application and click **Submit**