

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of Education March 2024 Agenda Item #W-05

## Subject

Request by the **Snowline Joint Unified School District** for aretroactiverenewalwaiver of portions of California *Education Code* Section 48660 to permit a community day school to serve students in grade six with students in grades seven through twelve but no grade lower than grade six, and portions of California *Education Code* Section 48661(a), to permit the collocation of the Eagle Summit Community Day School on the same site as the Chaparral High School, a continuation high school.

## Waiver Number

Snowline Joint Unified School District 7-11-2023

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by the **Snowline Joint Unified School District (SJUSD)** for arenewalwaiver of portions of California *Education Code* (*EC*)Section 48660 to permit the Eagle Summit Community Day School (CDS) to serve students in grade six with students in grades seven through twelve but no grade lower than grade six, and portions of *EC* Section 48661(a), to permit the collocation of the Eagle Summit CDS on the same site as the Chaparral High School, a continuation high school. The prevous waiver, 12-4-2021, was approved in September 2021, for June 21, 2021, through June 16, 2023. It included the following conditions, which are continued in the current waiver request:

* The Eagle Summit CDS shall be permitted to continue to serve students in grade six with students in grades seven through twelve but no grade lower than grade six.
* The middle grade (grades six through eight) and high school (grades nine through twelve) Eagle Summit CDS students are served in separate self-contained classrooms within their part of the campus. Special education students enrolled in the Eagle Summit CDS who require a higher level of special education services are served in a third self-contained classroom as needed.
* Eagle Summit CDS students shall be educated fully separately from Chaparral High School students.
* In accordance with EC Section 48661(b), the SJUSD shall maintain its certification for the duration of the collocation waiver on the basis of a two-thirds vote of the local governing board that satisfactory alternative facilities are not available for a CDS.

## Authority for Waiver

*EC* Section 33050

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

The California Department of Education recommends approval of this waiver with the following conditions:

* The Eagle Summit CDS shall be permitted to continue to serve students in grade six with students in grades seven through twelve but no grade lower than grade six.
* The middle grade (grades six through eight) and high school (grades nine through twelve) Eagle Summit CDS students are served in separate self-contained classrooms within their part of the campus. Special education students enrolled in the Eagle Summit CDS who require a higher level of special education services are served in a third self-contained classroom as needed.
* Eagle Summit CDS students shall be educated fully separately from Chaparral High School students.
* In accordance with *EC* Section 48661(b), the SJUSD shall maintain its certification for the duration of the collocation waiver on the basis of a two-thirds vote of the local governing board that satisfactory alternative facilities are not available for a CDS.

## Summary of Key Issues

### Request for “Permanent” Waiver Status

The State Board of Education (SBE) approved the SJUSD’s initial request for these waivers at the September 2019 meeting. However, the initial waiver was only operating for approximately seven months under conditions of full seat-time attendance before conditions of COVID-19. The follow-up waiver that was approved at the September 2021 meeting allowed for a longer period, June 21, 2021, through June 16, 2023, for the SJUSD to extend their safety record under normal conditions. This current request, for the period July 1, 2023, through June 30, 2026, would extend that second waiver without any changes (Waiver Number: 12-4-2021) and, if granted, this waiver will be "permanent" per *EC* Section 33051(b) and the SJUSD will not need to apply for renewal if the information on the request remains current.

### Grade Spans – Requesting Grades Six through Twelve

*EC* Section 48660 provides that a CDS may serve pupils in any of kindergarten and grades one to six, inclusive, or any of grades seven to twelve, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the school district.

The SJUSD has been determined to greatly limit enrollment in the Eagle Summit CDS through the use of multi-tiered systems of support to greatly reduce incidences of negative behaviors, and as other means of correction to reduce the number of suspensions and expulsions, with a resulting current enrollment of only 22 CDS students, down from 29 students in 2019 when requesting the previous waiver. Given the often extremely low enrollment, it is not fiscally feasible to operate two CDSs.

Throughout the district, the SJUSD serves students in elementary (kindergarten through grade five), middle school (grades six through eight) and high school (grades nine through twelve). This waiver would authorize the continued expansion of the statutory grade level limit of grades seven through twelve by one grade by authorizing the inclusion of sixth grade middle school students, while also serving high school students in the single CDS, rather than placing its sixth grade high-risk students outside of the SJUSD to be served by the county office of education.

The grades six through eight middle grade, and grades nine through twelve high school Eagle Summit CDS students are served in separate self-contained classrooms. Special education students enrolled in the Eagle Summit CDS who require a higher level of special education services are served in a third self-contained classroom as needed.

### Collocation with a Continuation High School

*EC* Section 48661(a) states that a CDS shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school.

*EC* Section 48661(a)(1) authorizes a small school district with 2,500 or fewer students to waive the separation requirement based on an annual certification by at least two-thirds of the local board when separate alternative facilities are not available.

The SJUSD local board has certified that there is no alternate site or property in the district for the Eagle Summit CDS to operate at a fully separate location. This waiver, if approved, would continue to authorize the SJUSD, with a student population of 8,087, to act similar to a smaller school district per *EC* Section 48661(a)(1).

The district is currently undergoing substantial growth and housing the Eagle Summit CDS in a stand-alone location would be difficult due to a lack of space and resources for the program. The initial waiver was requested due to the small enrollment size of the Eagle Summit CDS and the inability to adequately meet the needs of the students while located on a stand-alone campus.

The SJUSD is requesting this waiver to substantially increase the number and immediate accessibility of social and emotional support services staff available for Eagle Summit CDS and Chaparral High School students.

Prior to receiving the waiver to collocate the Eagle Summit CDS and the Chaparral High School, the two schools shared a school resource officer, social workers, counselors, administrators, and a cadre of campus monitors. There were designated days of the week for each position at each of the two campuses. With the Eagle Summit CDS and the Chaparral High School on the same site, these staff, plus wellness teachers on special assignment are available to serve both schools daily as needed. This greatly improved the response time; supportive level, and alternative means of correction for all students by addressing the social-emotional and mental health needs of students through services providing mental health supports; and positive behavior supports and interventions, including restorative practices. The result has been more successful outcomes and better educational equity.

### Safety Measures

The campus being shared by the Eagle Summit CDS and the Chaparral High School has been designed with the following safety measures to ensure that students from the two schools are not able to socialize or have contact with one another, and that the middle and high school students enrolled in the Eagle Summit CDS are similarly separated from each other, as follows.

* Physical separation is obtained by fencing that creates two separate campuses. The fencing includes positive messaging banners and murals to also enhance school climate.
* Both schools have their own entrances, classrooms, restrooms, and offices. Each CDS classroom will have scheduled times for both lunch and academic breaks so that no two classes will be in common areas at the same time.
* Students moving about the campus are escorted by a classroom teacher or an instructional associate.
* Each school has its own campus monitors who oversee the entire campus to ensure that students of the two schools do not interact.
* Having the school sites co-located ensures that additional staff are present during arrivals and departures, a noted time of safety concern for the schools.
* Ongoing and immediate social-emotional and mental health supports; positive behavior supports and interventions, including restorative practices, are both preventive and lower the level of any negative behaviors that might arise.
* The SJUSD reports that there have been no behavioral or other negative incidents between Eagle Summit CDS and Chaparral High School students, families, or staff members during the period the two schools have been collocated in accordance with the initial waiver (2-7-2019) which was approved in September 2019, and the subsequent waiver (12-4-2021) which was approved in September 2021. This includes before, during, and after school periods for both schools. Likewise, there have been no negative interactions between the middle grades and high school students within the Eagle Summit CDS.

### The SJUSD reports that there have been no behavioral or other negative incidents during the periods of the previous waivers. Local Support

The SJUSD local board voted unanimously in support of the waiver request. The Snowline Teachers Association has taken a support position on the waiver through its president, Matt Bodell. The California State Employee Association has taken a support position on the waiver through its president, Ashley Alvarado. The Chaparral High School Site Council and the Eagle Summit CDS School Site Council reviewed the waiver request and had no objections.

### Rationale for Retroactive Request

The current waiver expired on June 16, 2023. This renewal request was submitted on November 28, 2023. This waiver request is coming to the SBE later than expected due to a change in the SJUSD leadership staff that oversees the waiver process.

### Demographic Information:

The SJUSD has a student population of 8,087 students and is located in a rural setting in San Bernardino County.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a) available on the California Legislative Information web page at:** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051>.

## Summary of Previous State Board of Education Discussion and Action

The State Board of Education (SBE) approved the SJUSD’s initial request for these waivers at the September 2019 meeting. The follow-up waiver that was approved at the September 2021 meeting was granted for June 21, 2021, through June 16, 2023, and allowed for a longer period for the SJUSD to extend their safety record under normal conditions. This current request would extend that second waiver without any changes (Waiver Number: 12-4-2021).

The SBE has approved several previous waiver requests from school districts requesting authorization to permit a CDS to serve students in grades six through twelve, inclusive, where separation of the middle and high school students can be safely maintained, in order to allow the district to more effectively serve its students in need of CDS services. The SBE has approved several previous waiver requests from school districts requesting authorization to permit a CDS to be collocated with a continuation high school upon a two-thirds vote of the local board when a separate alternative facility for the CDS was not feasible.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of this waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table of Community Day School State Board of Education Waiver (1 page)
* **Attachment 2:** Snowline Joint Unified School District General Waiver Request 7-11-2023 (4 pages). (Original Waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table of Community Day School State Board of Education Waiver

Portions of California *Education Code (EC)* Section 48661

| **Waiver**  **Number** | **District Name** | **Size of District** | **Period of Request** | **If granted, this waiver will be "permanent"**  **per *EC* Section 33501(b)** | **Local Board**  **Approval and Public Hearing Date** | **Bargaining Unit Representatives** | **Advisory Committee**  **Consulted** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 7-11-2023 | Snowline Joint Unified School District | 8,087 Students  22 Students in Eagle Summit Community Day School  156 Students in Chaparral High School, a Continuation High School | **Requested:**  July 1, 2023,  through  June 30, 2026  **Recommended:**  July 1, 2023,  through  June 30, 2026 | Yes | **Local Board**  **Approval:**  November 14, 2023  5-0 vote  **Public Hearing:**  November 14, 2023 | Snowline Teachers Association  Matt Bodell, President  October 16, 2023  **Support**  California State Employee Association  Ashley Alvarado, President  October 16, 2023  **Support** | Chaparral High School Site Council and Eagle Summit Community Day School Site Council  October 20, 2023  **No Objections** |

Created by California Department of Education

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# Attachment 2: Snowline Joint Unified School District General Waiver Request 7-11-2023

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3673957

Waiver Number: 7-11-2023

Active Year: 2023

Date In: 11/28/2023 10:19:52 AM

Local Education Agency: Snowline Joint Unified

Address: 4075 Nielson Rd.

Phelan, CA 92329

Start: 7/1/2023

End: 6/30/2026

Waiver Renewal: Yes

Previous Waiver Number: 12-4-2021

Previous SBE Approval Date: 9/9/2021

Waiver Topic: Community Day Schools (CDS)

Ed Code Title: Collocate Facilities and Commingle Grade Levels

Ed Code Section: Portions of sections 48660 and 48661(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: In an effort to enhance student learning and support at our community day school, Eagle Summit, we would like to request a waiver of Educational Code 48661(a1) as follows:

(a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:

(1) When the governing board of a school district [with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment] certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

(2) When the governing board of a school district that is organized as a district to serve kindergarten and grades 1 to 8, inclusive, but no higher grades, certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

(3) When the governing board of a school district that desires to operate a community day school to serve any of kindergarten and grades 1 to 6, inclusive, but no higher grades, certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

(b) A certification made pursuant to this section is valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the governing board.

The Snowline Joint Unified School District would also like to request a waiver of 48660 and 48916.1 (d) as follows:

48660 (a) The governing board of a school district may establish one or more community day schools for pupils who meet one or more of the conditions described in subdivision (b) of Section 48662. A community day school may serve pupils in any of [kindergarten and] grades [1] to 6, [inclusive, or any of grades 7] to 12, inclusive, or the same or lesser included range of grades as may be found in an individual middle or junior high school operated by the school district. If a school district is organized as a school district that serves kindergarten and grades 1 to 8, inclusive, but no higher grades, the governing board of the school district may establish a community day school for any kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the governing board of the school district. It is the intent of the Legislature, that to the extent possible, the governing board of a school district operating a community day school for any of kindergarten and grades 1 to 8, inclusive, separate younger pupils from older pupils within that community day school.

(b) The average daily attendance of a community day school shall be determined by dividing the total number of days of attendance in all full school months, by a divisor of 70 in the first period of each fiscal year, by a divisor of 135 in the second period of each fiscal year, and by a divisor of 180 at the annual time of each fiscal year.

Outcome Rationale: This waiver is to request a renewal of a previous waiver that granted Snowline Joint Unified School District the authorization to relocate Eagle Summit Community Day School to the Chaparral Continuation High School Campus and to serve grades 6-12. Chaparral has a current enrollment of 156 students and Eagle Summit has an enrollment of 22 students. This waiver request is coming to the State Board of Education later than expected due to a change in the district leadership staff that oversees the waiver process. Eagle has been situated on the Chaparral campus without incident since 2008. The district is currently undergoing substantial growth and housing Eagle Summit in a stand-alone location would be difficult due to a lack of space and resources for the program. The initial waiver was requested due to the small enrollment size of Eagle Summit and the inability to adequately meet the needs of the students while located on a stand-alone campus. Eagle Summit’s enrollment is limited to students who have been expelled or who have behavioral challenges and are referred by Probation, SARB or through IEP placement. While Eagle Summit is housed on the Chaparral campus, the school has fencing that separates it from Chaparral. Eagle Summit has a separate office with a separate entry point for students. Students in the middle and high school are separated into self-contained classes. While Eagle Summit has access to a Dean, the school’s Principal and Assistant Principal oversee all of the non-traditional programs within the district and are housed on the Chaparral Site. Having Eagle Summit and Chaparral located in different locations presents a challenge when emergency situations arise. In addition, allowing the school sites to remain co-located provides the students with greater supports and interventions including access to the continuation high school’s counselors, social workers, health office and Wellness TOSAs. Having the school sites co-located ensures that additional staff are present during arrivals and departures, a noted time of safety concern for the schools.

Student Population: 8087

City Type: Rural

Public Hearing Date: 11/14/2023

Public Hearing Advertised: Local newspaper and through Parent communication, newsletter blast

Local Board Approval Date: 11/14/2023

Community Council Reviewed By: Non-Traditional Schools, School Site Council

Community Council Reviewed Date: 10/20/2023

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Julie Hirst

Position: Director of Student Intervention and Attendance

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Bargaining Unit Date: 10/16/2023

Name: California State Employee Association (CSEA)

Representative: Ashley Alvarado

Title: CSEA President

Phone: 760-868-5817 ext 10315

Position: Support

Bargaining Unit Date: 10/16/2023

Name: Snowline Teachers Association

Representative: Matt Bodell

Title: STA President

Phone: 760-868-5817

Position: Support