



CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2004 AGENDA

General Waiver

<p>SUBJECT</p> <p>Request by Dos Palos Oro Loma Joint Unified School District for a waiver of portions of <i>Education Code</i> (EC) sections 48660 and 48916.1(d) to permit the establishment of a community day school (CDS) for grades K-8 to be operated by a unified school district, and a portion of EC Section 48661(a)(1) relating to the placement of a CDS on the same site as Dos Palos High School.</p> <p>Waiver Number: 15-7-2004</p>	<p><input checked="" type="checkbox"/> Action</p> <p><input type="checkbox"/> Consent</p>
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RECOMMENDATION

Approval **Approval with conditions** **Denial**

That the waiver be approved for one year to allow the District to demonstrate the efficacy of this co-location plan.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved several similar requests for school districts to establish a K-8 community day school. The SBE has also approved several similar requests to allow the co-location of a CDS with a high school when the CDS could not be located separately and the district has been able to ensure appropriate separation of students between the two schools.

SUMMARY OF KEY ISSUES

By statute, a CDS 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 any individual middle or junior high school operated by the district. If a school district is organized as a district that serves kindergarten and grades 1 to 8, inclusive, but no higher grades, the governing board of the school district may establish a CDS for any of kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the board. The provision that a K-8 school district could establish a K-8 CDS upon a two-thirds vote of the local board was added by amendment in 1999. Prior to that time, a school district had to apply to the SBE for a waiver to establish a K-8 CDS. Since Dos Palos Oro Loma is a unified school district, it still must apply to the SBE for a waiver to establish a CDS for the K-8 grade span.

Dos Palos Oro Loma, though unified, is a small, rural district (approximately 2700 students). The district states that:

- It will not enroll more than 15 students at one time in the CDS.
- It would not be efficient to establish two separate schools to serve these students.

- The affected students can be adequately served together in a single classroom that will be staffed by a teacher and a full-time classified staff person.
- A counselor will be at the CDS every day.

Dos Palos Oro Loma also requests a waiver of *Education Code* Section 48661(a) which states that a CDS shall not be situated on the same site as a comprehensive senior high school.

The district conducted an extensive search of facilities owned by the district and in the community. The district has certified that no appropriate separate facilities are available. The site was selected as providing the greatest possible separation from other school classrooms and students. The CDS will be in a self-contained site located in a far corner of the high school property, beyond the athletic fields and more than 100 yards from any other high school activities. The closest comparable program, operated by the county office of education, is 30 miles away.

The local school board voted unanimously to support the waiver request. The presidents of the certificated and classified bargaining units submitted letters strongly endorsing the waiver request. Additionally, although the Site Councils will not officially convene until after the beginning of the school year, individual members were contacted and had no objections.

The district believes that the measures described above will provide a very high level of safety. Moreover, the district initially is requesting, and the CDE recommends, approval of the waiver for one year only to allow for re-evaluation before renewal is considered.

Authority for Waiver: *Education Code* (EC) Section 33050

Period of request: August 1, 2004, to July 31, 2005

Local board approval date(s): July 15, 2004

Public hearing held on date(s): July 15, 2004

Bargaining unit(s) consulted on date(s): July 1, 2004

Name of bargaining unit/representative(s) consulted: Sheila Ryskamp (Dos Palos Oro Loma Teachers Association) and Maria Bertao (Dos Palos CSEA).

Position of bargaining unit(s) (choose only one):

Neutral Support Oppose

Comments (if appropriate):

Public hearing advertised by (choose one or more):

posting in a newspaper posting at each school other (specify)

Advisory committee(s) consulted: Although the Site Councils will not officially

convene until after the beginning of the school year, individual members were contacted and no objections were expressed.

Objections raised (choose one): None Objections are as follows:

Date(s) consulted: May 3, 2004

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of this waiver would not have a fiscal impact on the state. Approval of the waiver would allow for more efficient local operations and, thus, the avoidance of costs that would otherwise be borne by the district.

BACKGROUND INFORMATION

Action Item: Some documentation is available for Web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.