

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of EducationJuly 2021 AgendaItem #W-04

## Subject

Request by the **Hanford Joint Union High School District** for awaiver of portions of California *Education Code* Section 48661(a), to permit the collocation of the Hanford Community Day School on the same site as the Earl F. Johnson Continuation High School.

## Waiver Number

* Hanford Joint Union High School District 4-3-2021

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by the Hanford Joint Union High School District (HJUHSD) for a waiver of portions of California *Education Code* (*EC*) Section 48661(a) to permit the Hanford Community Day School (CDS) to be collocated on the same site as the Earl F. Johnson Continuation High School.

## Background

While the HJUHSD has successfully implemented multi-tiered systems of support to greatly reduce the incidence of negative behaviors and implemented other means of correction to reduce the number of suspensions and expulsions, there still have been incidents that required reassignment to the Hanford CDS for deeper levels of intervention. Per the agreement in the Countywide Plan for Provision of Educational Services to Expelled Students, the most challenging expelled HJUHSD students were served by the Kings County Office of Education (COE) in the Kings County Community School. However, in the spring of 2017, the Kings COE suddenly announced it was closing the Kings County Community School and was returning all students to their home districts. The HJUHSD applied for and received a State Board of Education (SBE) waiver to serve a limited number of the returning students through independent study, but the waiver included a condition that the HJUHSD develop another means of serving their highest risk students other than through a waiver to permit independent study. This waiver request reflects the alternative means developed by HJUHSD.

## 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 Hanford CDS students shall be educated fully separately from the Earl F. Johnson Continuation High School students.
* In accordance with *EC* Section 48661(b), the HJUHSD shall maintain its certification for the duration of the collocation waiver on the basis of a two-thirds annual vote of the local governing board that satisfactory alternative facilities are not available for the Hanford CDS.

## Summary of Key Issues

The HJUHSD is requesting to re-locate the Hanford CDS to the same site as the Earl F. Johnson Continuation High School. The HJUHSD is requesting this waiver for two key purposes:

* To remove the Hanford CDS students from the immediate vicinity of the Hanford comprehensive high school, with a population of 1,500 students, at the current location where the two schools have been collocated per a longstanding SBE waiver, but have been fully separated on the site. The Earl F. Johnson Continuation High School only has an enrollment of 75 students.
* To substantially increase the number and immediate accessibility of the social and emotional support services staff available for the Hanford CDS and the Earl F. Johnson Continuation High School students.

As school populations begin to increase again, coupled with the closure of the Kings County Community School as a placement option for high risk students, the HJUHSD looked for an option to use the support services for both the Hanford CDS and the Earl F. Johnson Continuation High School more efficiently.

Currently, these two campuses share a school resource officer, social worker, counselor, and psychologist. There are designated days of the week for each position at each campus. With these campuses on the same site, these services would be available to serve both schools daily as needed, greatly improving the response time, supportive level and alternative means of correction for all students, and providing better educational equity.

By moving the Hanford CDS to a newly constructed site on the Earl F. Johnson Continuation High School campus, the HJUHSD anticipates that it will have an increased opportunity to engage more effectively with students at the highest level of concern every day. This improved approach will have a tremendous impact, especially for the Hanford CDS students, who previously were more likely to receive suspensions, expulsions, or be transferred to the Kings County Community School when staff could not successfully respond to the challenges they presented.

The new Hanford CDS school site has been designed with the following safety measures to ensure students from the Hanford CDS and students from the Earl F. Johnson Continuation High School are not able to socialize or have contact with one another as follows:

* Appropriate fencing, separate restroom facilities, and a separate entrance/exit location for each campus will ensure student paths will not cross.
* The arrival and departure times are different for the two schools.
* Each school will have its own campus monitors who will oversee the entire campus to ensure that students of the two schools do not interact.
* All Hanford CDS students will be transported by services offered by the HJUHSD or their parent to school each day, which further mitigates the potential for the Hanford CDS students to have negative interactions with Earl F. Johnson Continuation High School students.

*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 HJUHSD local board has certified that there is no alternate site or property in the district for the Hanford CDS to operate at a fully separate location. This waiver, if approved, would continue to authorize the HJUHSD, with a student population of 3,800, to act similar to a smaller school district per *EC* Section 48661(a)(1).

The HJUHSD local board voted unanimously in support of the waiver request. The California School Employees Association supports the waiver through its president, Rosemarie Lopes-Horn. The Hanford Secondary Educators Association has taken a neutral position on the waiver through its president, Allen Blanchard. The school site councils for the Hanford CDS, the Earl F. Johnson Continuation High School, and each of the HJUHSD high schools reviewed the waiver request and had no objections.

**Demographic Information:**

The HJUHSD has a student population of 3,800 students and is located in a small city setting in Kings 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 SBE has approved several previous waiver requests from school districts requesting authorization to permit a CDS to be collocated with other schools and programs 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:** Hanford Joint Union High School District General Waiver Request 4-3-2021 (3 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

| WaiverNumber | District Name,Size of District, andLocal BoardApproval Date | Period of Request | If granted, this waiver will be "permanent"per *EC* Section 33501(b) | Bargaining Unit Name and Representative,Date of Action,and Position | Advisory Committee/Schoolsite Council Name,Date of Review,and Any Objections |
| --- | --- | --- | --- | --- | --- |
| 4-3-2021 | Hanford Joint Union High School District3,800 Students15 Students in Hanford Community Day School75 Students in Earl F. Johnson Continuation High SchoolMarch 9, 2021 | **Requested:**July 1, 2021,throughJune 30, 2022**Recommended:**July 1, 2021,throughJune 30, 2022 | No | California School Employees AssociationRosemarie Lopes-Horn,PresidentFebruary 3, 2021**Support**Hanford Secondary Educators AssociationAllen Blanchard, PresidentFebruary 3, 2021**Neutral** | School Site Councils for the Hanford Community Day School, Earl F. Johnson Continuation High School, Hanford High School, Sierra Pacific High School, and Hanford West High SchoolMarch 2, 2021**No Objections** |

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# Attachment 2: Hanford Joint Union High School District General Waiver Request 4-3-2021

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1663925

Waiver Number: 4-3-2021

Active Year: 2021

Date In: 3/10/2021 10:58:07 AM

Local Education Agency: Hanford Joint Union High

Address: 823 West Lacey Blvd.

Hanford, CA 93230

Start: 7/1/2021

End: 6/30/2022

Waiver Renewal: N

Previous Waiver Number: CDSIS-124-4-98-21-L

Previous SBE Approval Date: 7/9/1998

Waiver Topic: Community Day Schools (CDS)

Ed Code Title: Colocate Facilities

Ed Code Section: 48661(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: *EC* 48661(a) Community Day School

(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.

(Amended by Stats. 1999, Ch. 646, Sec. 24. Effective January 1, 2000.)

Outcome Rationale: The Hanford Joint Union High School District is requesting to re-locate the Hanford Community Day School to the same site as the Earl F. Johnson Continuation High School. This facility is located at 1201 N. Douty Street in Hanford, CA. This location is about a ½ mile south of the current location of the Hanford Community Day School which is located at 1855 N. Douty Street in Hanford, CA.

Student Population: 15

City Type: Small

Public Hearing Date: 3/9/2021

Public Hearing Advertised: In the local newspaper- Hanford Sentinel and posted at all school sites throughout the District.

Local Board Approval Date: 3/9/2021

Community Council Reviewed By: Earl F. Johnson Continuation High School, Hanford Community Day School, Sierra Pacific High School, Hanford High School, and Hanford West High School

Community Council Reviewed Date: 3/2/2021

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty Yes or No: N

Categorical Program Monitoring: N

Submitted by: Mr. Ward Whaley

Position: Director of Administrative Services

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Bargaining Unit Date: 02/03/2021

Name: California School Employees Association, #461

Representative: Rosemarie Lopes-Horn

Title: President

Phone: 5593094486

Position: Support

Comments:

Bargaining Unit Date: 02/03/2021

Name: Hanford Secondary Educators Association

Representative: Allen Blanchard

Title: President

Phone: 5593623278

Position: Neutral

Comments: