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**California Department of Education**  
**WAIVER SUBMISSION – General**

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CD Code:5872728

Waiver Number: 7-12-2016

Active Year: 2016

Date In: 12/6/2016 1:57:00 PM

Local Education Agency- Camptonville Elementary Address: 16585 School St.  
Camptonville, CA 95922

Start: 7/1/2016

End: 7/1/2018

Waiver Renewal: N

Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Charter School

Ed Code Title: Geographic Limitations-Non Classroom Based

Ed Code Section: Portions of *EC* Sections 47605 and 47605.1

*Ed Code* Authority: 33050

Ed Code or CCR to Waive: Education Code Section 47605 :

(1) Except as set forth in paragraph (2), a petition for the establishment of a charter school [within a school district] may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school [that will operate within the geographic boundaries of that school district.] A charter school may propose to operate at multiple sites [within the school district] if each location is identified in the charter school petition.

(5) [A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district , but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of the following circumstances exists:]

*Education Code* Section 47605.1:

(d) [Notwithstanding subdivision (a) or subdivision (a) of Section 47605 , a charter school that is unable to locate within the geographic boundaries of the chartering school district may establish one site outside the boundaries of the school district, but within the county within which that school district is located. if the school district in which the charter school proposes to operate is notified in advance to the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations, and either of the following circumstances exist:]

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(e) (1) For a charter school that was granted approval of its charter before July 1, 2002, and provided educational services to pupils before July 1, 2002, this section only applies to new [educational services or ) schoolsites established or acquired by the charter school on or after July 1, 2002

(2) For a charter school that was granted approval of its charter before July 1, 2002, but did not provide educational services to pupils before July 1, 2002, this section only applies upon the expiration of a charter that is in existence on January 1, 2003.

(3) [Notwithstanding other implementation timelines in this section, by June 30, 2005, or upon the expiration of a charter that is in existence on January 1, 2003, whichever is later, all charter schools shall be required to comply with this section for schoolsites at which education services are provided to pupils before or after July 1, 2002 regardless of whether the charter school initially received approval of its charter school petition before July 1, 2002. To achieve compliance with this section a charter school shall be required to receive approval of a charter petition in accordance with this section and Section 47605.)

(4) This section is not intended to affect the authority of a governmental entity to revoke a charter that is granted on or before the effective date of this section.

Outcome Rationale: Outcome Rational:

Camptonville Academy (aka CORE @ The Camptonville Academy) has been authorized by Camptonville Elementary School District since 1998. Camptonville Academy is a non-classroom based/independent study charter school program offering personalized learning education programs for grades K-12.

Camptonville Academy Program Generally:

Camptonville Academy serves approximately 460 students in kindergarten through twelfth grades, serving students throughout Yuba County and its adjacent counties. The primary method of instructional delivery is based on a personalized learning model in which a custom educational program is designed in close collaboration with parents and students. Part of the designed program includes resource center support components. Those supports include academic intervention, tutoring, counseling, small group classes, labs, clubs, trainings, workshops, assemblies and many additional resources.

Out-of-District Facilities:

On October 16, 2016, the 3rd District Court of Appeals ruled in AUHSD v. Shasta Secondary Home School ("Shasta Ruling") that independent study charter schools may not have resource centers outside of the boundaries of the school district in which the charter school is authorized, but within the same county.

Currently, Camptonville Academy has one (1) facility within the District boundaries, two (2) resource centers outside District boundaries but within Yuba County. The two (2) resource centers outside District boundaries but within Yuba County are affected by the Shasta Ruling. This waiver is necessary to protect the continued operation of the Charter's existing resource centers and facilities where quality services are accessible for students, many of which are significantly at risk or have special needs.

#### Students/ Employees Affected:

The Shasta Ruling impacts approximately 460 students-52% Socioeconomically Disadvantaged, and 10 % SPED population. In the Charter's personalized learning model of education, all enrolled students benefit from one or more of the resource centers through participation in academic intervention, tutoring, counseling, small group classes, labs, clubs, trainings, workshops, assemblies and many additional resources.

This ruling will also have an impact on the 44 Camptonville Academy employees who utilize the resource center to deliver instruction, monitor progress, and collaborate with staff, students, and parents.

#### Financial Cost:

Camptonville Academy owns two facilities, a 4,500 sq. ft. resource center paid-in-full, and another 15,000 sq. ft. resource center under a 40-year mortgage. Camptonville Academy worked for seven years to strategically plan and build a new resource center, specifically designed for the personalized learning model of education. The Charter and District had been relying on California Department of Education (COE), as well as, guidance from the California County Superintendents of Schools, which had interpreted Education Code 47605 to be permissive regarding resource centers outside of District boundaries, but within County. Camptonville Academy purchased property in Marysville, and received Final School Site Approval from COE prior to construction. As a non-classroom based charter school, Camptonville Academy is not eligible for Proposition 39 funding so each initial build out and start up was directly funded by the charter. The state-of-the-art facility had community support from the City of Marysville, Yuba County, Yuba County Office of Education, and the additional 2.5 million needed for the project was financed through USDA Rural Development, Community Facilities Loan Program.

The impact of the Shasta court's ruling could result in the Charter closing two its facilities, and the potential loss of equal access to necessary supports and quality academic, college, and career programs for all 460 students currently enrolled, as well as the cancelling of dual enrollment and Aerospace ROP courses that are available to all students in the Yuba-Sutter region. All 44 school employees utilize one of the two facilities as the primary location for educational and support services. The result has the potential to cause Camptonville Academy to become insolvent and force it to file for bankruptcy.

This waiver is necessary to allow the continued operation of the Charter's existing resource centers that provides the services and resources required under Education Code Section 51746 intervention support for all students, direct instruction opportunities for all students, but also provides a location for federally mandated special education services to allow the provision of a free appropriate public education ("FAPE") to students who qualify under the Individuals with Disabilities in Education Act ("IDEA") and state mandated testing as required of charter schools pursuant to Education Code Section 47605 (c).

#### District Oversight

The District provides supervisory oversight for Camptonville Academy as required by Education Code Section 47604.32. The District affirms that at all times the Charter has operated its resource centers consistent with the advice and written guidance issued by the California Department of Education since 2002 (see Attachments).

Student Population: 460

City Type: Rural

Public Hearing Date: 11/16/2016

Public Hearing Advertised: Notice posted at least 72 hours in advance at the District main office, all Charter resource centers, and website.

Local Board Approval Date: 12/5/2016

Community Council Reviewed By: Camptonville Academy Board of Directors

Community Council Reviewed Date: 11/10/2016

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Sandra Ross

Position: Superintendent

E-mail: [sross@cville.k12.ca.us](mailto:sross@cville.k12.ca.us)

Telephone: 530-288-3277

Fax: 530-288-0805

Name of Bargaining Unit: Camptonville Teacher's Association

Representative: Sara Spiers, CTA President

Date Consulted: November 14, 2016

Position: Support