

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3667736

Waiver Number: 31-12-2016

Active Year: 2016

Date In: 12/15/2016 4:00:54 PM

Local Education Agency: Helendale Elementary School District
Address: 15350 Riverview Rd.
Helendale, CA 92342

Start: 7/1/2016

End: 7/1/2018

Waiver Renewal: N

Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Other Waivers

Ed Code Title: Other Waivers

Ed Code Section: Portions of *EC* Sections 47605 (a)(1) and 47605.1

Ed Code Authority: 33050

Ed Code or *CCR* to Waive: *Education Code* section 47605:

(a)(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]: (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 of 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:

(1) The school has attempted to locate a single site or facility to house the entire program, but such a facility or site is unavailable in the area in which the school chooses to locate.

(2) The site is needed for temporary use during a construction or expansion project].

Outcome Rationale: Empire Springs Charter School (ESCS) was authorized by the Helendale School District in

July 2013. The current petition term expires in June 2018. ESCS promotes optimum learning by collaboratively developing a personalized learning program for each student. ESCS students are provided personalized instruction suitable to their learning style, whether that is parent-directed homeschool, dual-immersion opportunities, or a combination of any and all of these options.

On October 16, 2016, the 3rd District Court of Appeals ruled in AUHSD v. Shasta Secondary Home School 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, the Charter School has one resource center located within San Bernardino County that is affected by the ruling. This waiver is necessary to allow the continued operation of Empire Spring's existing resource center as detailed below:

Rancho Cucamonga Personalized Learning Center
8968 Archibald Avenue, Rancho Cucamonga, CA 91730

Lease Expiration Date: 7/8/2017

Student Population: 282 total K-12 students use the facility at least one day per week.

Number of employees at location: 22

Programs Offered:

Discovery CoLLABorative: 75 K-8 students. The program combines personalized mastery-learning homestudy days with thematic discovery experiences.

u-LAB: 14 high school students participate in a variety of flexible university style lab courses each week to supplement their home instruction.

Rancho Cucamonga Homeschool Learning Center: 193 K-12 homeschool program students participate in a variety of enrichment workshops each week to supplement their home instruction.

Special Education Services and EL Services: ESCS provides special education services at the Rancho Cucamonga Personalized Learning Center as required by each student's IEP. ESCS currently provides 44 students with services at the center. In addition, ESCS also provides ELD instruction as needed.

ESCS currently enrolls 930 students throughout all programs. ESCS leases a facility which provides three distinct programs to the students in the geographic area within San Bernardino County. A sudden closure of this facility would displace hundreds of students and detrimentally affect their education. Additionally, this lease does not expire until 2017. The court's ruling would thus cost the school millions of dollars in lease fees for facilities ESCS cannot use for student instruction, essentially bankrupting the school.

The Helendale School District (HSD) provides supervisorial oversight and performance monitoring services for the Charter School, including monitoring school and student performance data, reviewing the school's audit reports, performing annual visits to the school facilities and resource centers, and considering charter amendment and renewal requests. To the best of HSD's knowledge, ESCS has operated its resource centers consistent with the advice and written guidance provided by the California Department of Education ("CDE") as provided in the letter dated November 14, 2002 from Janet Sterling,

Director, School Fiscal Services Division, updating Charter School Administrators, County and District Superintendents and Chief Business Officials on recent charter legislation, including AB 1994 (attached).

Approval of this waiver will allow ESCS time to reorganize, apply for additional charters, WASC accreditations, SELPA membership, and/or allow leases to expire reducing fiscal liability, and other necessary tasks to restructure and continue serving students in ESCS's geographical territory.

Student Population: 950

City Type: Rural

Public Hearing Date: 12/14/2016

Public Hearing Advertised: Helendale School District and Charter School main office and resource centers.

Local Board Approval Date: 12/8/2016

Community Council Reviewed By: Empire Springs Board of Directors

Community Council Reviewed Date: 12/8/2016

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Ross Swearingen

Position: Superintendent

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Bargaining Unit Date: 3/23/2017

Name: Helendale Professional Teachers Association

Representative: Heather Lewis

Title: Co-President

Position: Neutral