

California Department of Education
WAIVER SUBMISSION - General

CD Code: 5071100

Waiver Number: 18-2-2017

Active Year: 2017

Date In: 2/15/2017 2:41:28 PM

Local Education Agency: Hickman Community Charter
Address: 13306 Fourth St.
Hickman, CA 95323

Start: 2/13/2017

End: 2/13/2019

Waiver Renewal: N

Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Charter School Program
Ed Code Title: Geographic Limitations - Non-classroom Based
Ed Code Section: Portions of *EC* Sections 47605(a)(1) and 47605.1
Ed Code Authority: 33050

Ed Code or *CCR* to Waive: Ed Code or *CCR* to Waive: Portions of California *Education Code* Sections 47605(a)(1), 47605(a)(5), and 47605.1(d) as follows:

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 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:]

...

- (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: Hickman Charter School is a one of three schools of Hickman Community Charter District, an all-charter district located in Stanislaus County, CA. Hickman Charter School is located in east Stanislaus County's rural community of Hickman, California. At HCS students are instructed by their parents at home with the support of an education coordinator and the many resources of the Hickman Charter School including enrichment classes.

HCS's charter was originally approved in 1994. The district charter was approved in 2000 and since has been renewed three times with the latest five year renewal coming in 2015. Hickman Charter School's latest CAASPP assessment data placed it in 74th percentile compared to all K-8 schools in California. HCS also outpaced both the state and county averages for all its significant subgroups. HCS received the 2014 California Distinguished School recognition for its practices of parental involvement and education supports.

The Hickman Community Charter District has provided supervisorial oversight and performance monitoring for Hickman 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. The Hickman Community Charter District affirms that at all times the Charter School has operated its resource centers consistent with the advice and written guidance issued by the California Department of Education since 2002.

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 Stanislaus County that is affected by the ruling. This waiver is necessary to allow the continued operation of Hickman Charter School's existing resource center. Hickman Charter School's Modesto Resource Center located in McHenry Village Shopping Center services nearly 150 students in any given year. One employee permanently staffs the resource center with up to three others meeting with parents there at any given time. The resource center provides a place for our

Modesto area families to meet with their Education Coordinators. The lease of the resource center was renewed in September of 2016 for a two year term that expires in 2018.

Student Population: 575

City Type: Rural

Public Hearing Date: 2/13/2017

Public Hearing Advertised: Notice posted at the District main office, Charter School main office, on the district website, and the Hickman Post Office.

Local Board Approval Date: 2/13/2017

Community Council Reviewed By: Hickman Board of Trustees

Community Council Reviewed Date: 2/13/2017

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Paul Gardner

Position: Superintendent

E-mail: pgardner@hickmanschools.org

Telephone: 209-874-1816 x200

Fax: 209-874-1415

Bargaining Unit Date: 02/07/2017

Name: Hickman Association of Teachers

Representative: Laura Finneman

Title: Association President

Position: Support

Comments: