

California Department of Education
WAIVER SUBMISSION - General

CD Code- 3768155

Waiver Number: 42-12-2016

Active Year: 2016

Date In: 12/26/2016 11:07:52 AM

Local Education Agency: Jamul-Dulzura Union Elementary
Address: 14581 Lyons Valley Rd.
Jamul, CA 91935

Start: 7/1/2016

End: 6/15/2018

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 Ed. Code Sections 47605(a) 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: (A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.

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

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:

(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. Greater San Diego Academy is a non-classroom based independent study charter school authorized by the Jamul-Dulzura Union School District (JDUSD) on July 26, 1999.

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 Greater San Diego Academy has one resource center that would be greatly impacted by this ruling. This waiver is necessary to allow the continued operation of Greater San Diego Academy's existing resource centers

Students are served at two resource centers, one of which is located outside of JDUSD boundaries but within San Diego County in La Mesa (La Mesa Resource Center). The La Mesa Resource Center provides special education services, small group tutoring, enrichment classes, and efficient access to textbooks, supplemental materials, and credentialed teachers.

The La Mesa resource center is a centralized location with easy access to public transportation. Two day per week instruction is provided in both ELA and Math, as well as enrichment opportunities for students in grades K-8. It also is the center of the high school support program which enables students to get support from highly qualified teachers in specific subject areas, complete A-G requirements such as hands-on science labs, and use school computers to complete work.

JDUSD has been very active in the Greater San Diego Academy's development and oversight. JDUSD staff and charter staff work closely to ensure efficient charter operations. To the best of District's knowledge, GSDA has operated its resource centers consistent with the advice and written guidance issued by the California Department of Education since 2002. (See attachments.)

Greater San Diego Academy serves approximately 250 students from all over San Diego County. Approximately 180 students utilize the La Mesa Resource Center. Without a centralized resource center, many of the students would not have access to the additional academic and enrichment classes that support their academic performance and overall educational experience.

Additionally, the current lease on the La Mesa resource center expires on October 31, 2017. Therefore, the Greater San Diego Academy would remain liable for the remaining amounts due on the lease if the center were to close prior to the lease's expiration. Sudden closure of this center would displace approximately 180 students, including 16 staff members, who rely on this resource center. This sudden closure would result in both academic hardships for these students, employment hardship for the staff and financial hardship for the charter school. We are requesting a waiver through the end of the 2017-18 school year in order to meet the school's financial obligations while maintaining a continuity of academic supports for the duration of the school year.

Please note, Greater San Diego Academy's employees are not organized into bargaining units, but the JDUSD consulted with its employees' exclusive representatives prior to the submission of this waiver request and they are in support of the waiver.

Student population: 247

City Type: Small

Public Hearing Date: 12/13/2016

Public Hearing Advertised: Public notice posted at three public places

Local Board Approval Date: 12/13/2016

Community Council Reviewed By: Greater San Diego Academy Charter Council

Community Council Reviewed Date: 11/30/2016

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Nadine Bennett

Position: Superintendent

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Bargaining unit consulted on date: 11/21/2016

Name of bargaining unit: Jamul Dulzura United Teachers Association

Representative: Diane Hulbert

Title: President

Position: Support