

California Department of Education  
Waiver Submission – General

CD Code: 1275382                      Waiver Number: 16-12-2016                      Active Year: 2016

Date In: 12/13/2016 10:27:05 AM

Local Education Agency: Mattole Unified  
Address: 29289 Chambers Rd.  
Petrolia, CA95558

Start: 7/1/2016                      End: 7/1/2018

Waiver Renewal: N  
Previous Waiver Number:                      Previous SSE 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: *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:]

*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] school sites 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 school sites 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:

Mattole Valley Charter School ("MVCS") has been authorized by the Mattole Unified School District ("District") since 1998. MVCS is a non-classroom based charter school program offering grades TK-12.

The Mattole Valley Charter School Program Generally

MVCS serves students seeking a non-traditional educational setting, students and families desiring a more flexible school schedule, students who are more successful in small learning environments, and students who have been identified as having special educational needs, perhaps because they are highly gifted, have learning disabilities, emotional challenges or are academically low achieving. Many students live in very rural areas and have limited educational choices. MVCS believes in honoring individual education choices; therefore it is committed to providing an innovative public education environment for students, their parents, and teachers by empowering them to collaboratively create learning opportunities which will develop responsible and contributing members of society. MVCS believes in giving students, parents and teachers the freedom to make responsible and effective decisions and implement educational plans, by providing them with multiple tools, resources and programs. MVCS believes that the selection of educational plans and opportunities is the right of parents and students with the support of their teacher.

Students who attend MVCS are educated through individualized learning programs, cooperative classes, learning centers, supplemental learning projects, and distance learning via current technology. Some students participate in an independent study model in which parents provide most of the instruction with the credentialed teacher acting as advisor and meeting with the family a minimum of once per learning period, typically in the student's home. Others participate in more of a hybrid independent study model in which students meet with credentialed teachers more than once per learning period and attend individual small-group classes held at various learning centers or vendor sites with the parent and teacher sharing instructional activities.

Out-of-District Facilities

On October 16, 2016, the 3rd District Court of Appeal ruled in AUHSD v. Shasta Secondary Home School ("Shasta Ruling") that pursuant to *Education Code* Section 47605(a) 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, MVCS has one (1) facility within the District's boundaries and eight (8) resource centers outside District boundaries but within Humboldt County. This waiver is necessary to allow the continued operation of MVCS's existing resource centers where a large number of students served are significantly at risk or have special needs, such as special education services, English Language Development, credit recovery, counseling, and intervention services.

#### Students/ Employees Affected

The Shasta Ruling has the potential to impact approximately 681 students: 67% Socioeconomically Disadvantaged, and 11% SPED population. MVCS has a total of 421 unduplicated students with a 61.82% unduplicated percent. This ruling will also have an impact on 128 MVCS employees.

#### Financial Cost

As a non-classroom based charter school, MVCS is not eligible for Proposition 39 funding so all leased facilities are directly funded by MVCS.

The impact of the Shasta court's ruling could result in the closing of its facilities, and the loss of 681 students, employment of approximately 128 school employees, and the inability of MVCS to meet the financial obligations related to each facility. The result has the potential to cause MVCS to become insolvent and force it to file for bankruptcy.

This waiver is necessary to protect the continued operation of MVCS's existing resource centers that provides the services and resources required under *Education Code* Section 51746, intervention support 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"), state mandated testing as required of charter schools pursuant to *Education Code* Section 47605(c), and wet lab requirements for UC/CSU admissions requirements.

#### District Oversight

The District provides supervisory oversight for MVCS as required by *Education Code* Section 47604.32. The District affirms that at all times MVCS 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: 691

City Type: Rural

Public Hearing Date: 12/8/2016

Public hearing advertised: Notice posted at the District main office, Charter School main office, District website, two local stores and Charter School resource centers.

Local Board Approval Date: 12/8.2016

Community Council Reviewed By: Mattole Valley Charter School Council

Community Council Reviewed Date: 12/2/2016

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Shari Lovett

Position: Assistant Superintendent

E-mail: [slovett@mattolevalley.org](mailto:slovett@mattolevalley.org)

Telephone: 707-445-2660 x10

Fax:

Bargaining unit consulted on date: 1/30/2017

Name of bargaining unit: Mattole Valley Teachers Association

Representative First Name: Malia

Representative Last Name: Freelund

Representative Title: Teacher, Union Representative

The position of the bargaining unit: Support