

California Department of Education  
Waiver Submission: General

CD Code: 3768213

Waiver Number: 20-12-2016

Active Year: 2016

Date in: 12/14/2016 11:48:16 AM

Local Education Agency: Mountain Empire Unified School District  
Address: 3305 Buckman Springs Rd.  
Pine Valley, CA 91962

Start: 7/1/2016

End: 7/1/2017

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: Portions of California *Education Code* Sections 47605(a)(1), 47605(a)(5) and 47505.1(d) as follows:

*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:

Outcome Rationale: Outcome Rational:

Pivot Charter School has been authorized by the Mountain Empire Unified School District ("District") since 2011. Pivot Charter School is a non-classroom based/independent study charter school program offering personalized learning education programs for grades TK-12.

#### Pivot Program Generally

When Pivot Charter Schools were formed, the intent was not to try to recreate the already established wheel of education and try to do it better than others. It was not the intent to use an online curriculum so Pivot could have thousands of students who did not have to come to a brick and mortar school. The intent of Pivot was to do things differently for students who wanted and needed "different". The Pivot Charter Schools use an online curriculum as the primary, yet not sole, method of instructional delivery so that our exceptional credentialed teachers can spend their time doing what they do best; helping students learn and understand what they are learning. Students are able to move at a pace commensurate with their developmental abilities or based on their graduation plans. And throughout their academic efforts they constantly receive feedback, kind motivation, ideas and instruction. Teachers encourage students to delve deeper into their content through projects and hands on experiences. They tutor small groups to ensure that they are making successful progress in all their courses. They work with the entire family, supporting not only their academic but also their social-emotional lives. They "meet students where they are at" to inspire their individual and collective potential. Students are surrounded by genuine caring motivation and accountability.

Students can either come to the resource center for activities, to work on their academics, to engage in projects or get tutoring five days a week for three hours a day. Or they can come two afternoons a week. Or they can come one day a week. And those students who are independent and only need the support of their assigned credentialed teacher once in a while, can work virtually or come to the resource center as needed or receive assistance via video conferencing. Whether a student chooses to attend programs offered at the resource centers five days a week or two days a week or work from wherever their lives take them, they engage in a rigorous online curriculum which we feel is balanced by the program supplemented at the resource centers with Fun Fridays, field trips, project based activities, clubs, and social activities like barbecues and camping trips.

Pivot Charter Schools continue to add elective and Career Technical courses and expand programmatic offerings such as Collaborations, Genius Hours, and even a prom. It is amazing to fathom how many students Pivot Charter Schools has helped succeed and reach their goals whether that was to return to a traditional school setting, head to a four or two year college enter the workforce or participate in an accountable and engaging home school blended program for grades TK-5.

#### Out-of-District Facility

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, Pivot

Charter School has zero (0) facilities within the District's boundaries and one (1) resource center outside District boundaries but within San Diego County. This waiver is necessary to allow the continued operation of P1vot's existing resource center where students are served.

#### Students / Employees Affected

The Shasta Ruling has the potential to impact approximately 115 students: 25.5% Socioeconomically Disadvantaged, 7% English Learners, 12% homeless and 12% SPED population. This ruling will also have an impact on the 7 Pivot employees.

#### Financial Cost

As a non-classroom based charter school, Pivot is not eligible for Proposition 39 funding so all leased facilities are directly funded by Pivot. The impact of the Shasta court's ruling could result in the closing of its facility, and the loss of roughly 115 students, employment of approximately 7 school employees, and possibly the inability of Pivot to meet the financial obligations related to the facility. The result has the potential to cause Pivot to become insolvent and force it to file for bankruptcy.

This waiver is necessary to protect the continued operation of Pivot's existing resource center that provides the services and resources required under *Education Code* Section 51746, intervention support for all scholars, 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 Pivot as required by *Education Code* Section 47604.32. The District affirms that at all times Pivot has operated its resource centers consistent with the advice and written guidance issued by the California Department of Education since 2012.

Please note, Pivot Charter School employees are not organized into bargaining units, but Mountain Empire Unified School District consulted with its employees' exclusive representatives prior to the submission of this waiver request, and they are not opposed to the waiver.

Student Population: 105

City Type: Suburban

Public Hearing Date: 12/6/2016

Public Hearing Advertised: The public hearing was posted online (the MEUSD website) and in a publically accessible location 72 hours prior to the special Board meeting and Public hearing.

Local Board Approval Date: 12/6/2016

Community Council Reviewed By: Pivot Board of Directors

Community Council Reviewed Date: 11/12/2016

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Dr. Kathy Granger

Position: Superintendent

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Bargaining Unit Date: 12/5/2016

Name: Mountain Empire Teachers Association (META)

Representative: Christie Dougherty

Title: President

Position: Neutral

Comments: