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**California Department of Education**  
**WAIVER SUBMISSION - General**

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CD Code 4269112

Waiver Number:2-12-2016

Active Year: 2016

Date In: 12/1/2016 12:34:05 PM

Local Education Agency: Blochman Union Elementary

Address :4949 Foxen Canyon Rd.

Santa Maria, CA 93454

Start: 7/1/2016

End:7/1/2020

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: *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: Trivium Charter School is an academically successful charter school serving diverse needs of students in an alternative education setting in Santa Barbara County and adjacent counties. Our students test scores exceed our local district and local area schools and we have had clean audits since inception. Our charter was first approved in March 2011 and has been successfully serving students for more than 5 years. In order to continue serving our students, we are requesting a waiver from the recently re-defined geographic limitations on in-county resource center locations. It is clear that the academic needs of our students are being met. We develop a Personalized Learning Path for each and every student who enrolls which allows students to thrive academically, socially and emotionally. Trivium services 700 students and employs over 40 teachers with a total staff count (part-time and full-time of 96 individuals. Trivium has current leases with 5 learning centers which allows us to serve students close to where the students reside.

The Blochman Union School District has provided supervisory 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. The Blochman Union School 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 3<sup>rd</sup> District Court of Appeals ruled in Anderson Union High School District 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 three (3) resource centers located within Santa Barbara County that are affected by the ruling. This waiver is necessary to allow the continued operation of Trivium's existing resource centers which serve approximately 700 students.

Student Population: 700

City Type: Small

Public Hearing Date: 11/15/2016

Public Hearing Advertised: District website and three physical locations

Local Board Approval Date: 11/15/2016

Community Council Reviewed by: Trivium Charter School of Directors

Community Council Reviewed Date: 11/7/2016

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Douglas Brown

Position: Superintendent/Principal

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