

California Department of Education
WAIVER SUBMISSION - General

CD Code: 1062547

Waiver Number: 8-2-2017

Active Year: 2017

Date In: 2/10/2017 9:58:46 AM

Local Education Agency: Westside Elementary
Address: 19191 Excelsior Ave.
Five Points, CA 93624

Start: 7/1/2016

End: 7/1/2018

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 *EC* 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 47605.1(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: Crescent View South Charter (CV South) has been authorized by Westside Elementary School District since 2009 and received a five-year renewal term from July 1, 2014 to June 30, 2019. CV South is a non-classroom based/independent study charter school program offering personalized learning education programs for grades K-12.

CV South is specifically designated as an Alternative School Accountability Model (ASAM) serving high-risk pupils and drop-outs. The State recognizes that our school's population has an extremely high turnover rate and can serve an entirely new group of students every 12 months.

CV South primarily serves 9th-12th grade students who are considered "highly at-risk". The term highly at-risk encompasses students who are pregnant, significantly credit deficient, have medical problems that prevent regular attendance in a comprehensive program, and are on probation for criminal offenses. At-risk youth typically come from single-parent homes, have a low socioeconomic status, and experience a high degree of transiency in their living situations. Despite these barriers to achievement, CV South continues to help these students succeed and graduate from high school.

CV South serves approximately 1,250 students annually with 73% of the population eligible for free and reduced-price meals (Socioeconomically Disadvantaged). The population includes 23% English Learner population and 5% SPED students. Many of CV South's students have previously dropped out of high school and enroll at CV South with an average of 50 credits deficient.

CV South has an English Learner Advisory Committee (ELAC) composed of parents, students, and teachers formed to address the needs of EL students. The ELAC committee has provided professional development on teaching EL students in an independent study setting, created an EL study hall, implemented EL instructional rubrics, and helped guide the allocation of educational resources towards English Learners.

CV South students with special needs are served in accordance with their Individualized Education Programs ("IEPs,") including but not limited to special education and related services provided by a Specialized Academic Instructor, who provides one-on-one instruction, along with accommodations and modifications. CV South is part of the El Dorado County Charter SELPA.

CV South's students receive academic instruction from highly qualified (HQ) teachers in the core content areas of ELA, science, math and social studies. HQ teachers will also be provided to students in the areas of foreign language, art, and in Career Tech Education (CTE) courses.

At CV South each course is designed for the students and reviewed with the student by a supervising teacher in both the one-on-one and small group settings. CV South's approach to Personalized Learning includes ample student support through individual tutorials, small group pull-out sessions, small group tutorials, career technical education pathways and courses, labs, online classes and technology-based learning opportunities and tutorials.

CV South also provides instruction to meet the educational needs of federally funded learn-and-work or learn-and-earn programs, including but not limited to the federal Workforce Investment Act pursuant to *Education Code* Section 47605.1(g). CV South's year-round program emphasizes attainment of basic skill competencies, enhancing opportunities for academic and occupational training, and providing exposure to the job market and employment. Activities may

include instruction leading to completion of secondary school, tutoring, internships, job shadowing, work experience, adult mentoring and comprehensive guidance and counseling. The program emphasizes services for out-of-school youth.

The Westside Elementary School District has provided supervisorial 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 Westside Elementary 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 (see Attachment).

On October 16, 2016, the 3rd District Court of Appeal ruled in AUHSD v. Shasta Secondary Home School that under *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, CV South has two (2) resource centers located within Fresno County that may be affected by the ruling and if these centers were to close, it would also jeopardize one (1) resource center in the adjacent Madera County as the student population in Fresno County could be reduced, thus impacting the ability of CV South to maintain a majority of students who reside in Fresno County as required by *Education Code* Section 47605.1(c). This waiver is necessary to protect the continued operation of CV South's existing resource centers where special education services, English Language Development, and intervention services are provided.

The ruling impacts approximately 1,250 students annually with 73% of the population Socio-economically Disadvantaged, 23% English Learners and 5% SPED students. Also impacted are the 52 CV South employees.

CV South provides support including, but not limited to, Certificated Teachers, Special Education Teachers, Counselors, School Psychologists, Tutors, Student Relation Technicians, Student Relations Managers, Registrars, Student Retention Support Specialists, Principals, Assistant Principals, Community Liaison, Instructional Specialists for Professional Development and Teacher Training, Program Specialists, Career Technical Education Instructional Specialists and an Online Instructional Specialist.

Since 2009, CV South has opened and operates four resource centers (one inside the Westside Elementary School District boundaries, two inside Fresno County but outside District boundaries, and one in adjacent Madera County). As a non-classroom based charter school, CV South is not eligible for Proposition 39 funding so each initial build out and start up is directly funded by the charter school. In addition, each resource center lease agreement does not have a termination "out clause" allowing the schools to release them of their long term financial liability. Furthermore, despite CV South's high free and reduced-price lunch ratio, it is not eligible for rental reimbursement under SB 740 as a nonclassroom based charter school.

CV South created these resource centers in alignment with the direction provided by the California Department of Education as provided in the letter dated November 14, 2002 from Janet Sterling, Director, School Fiscal Services Division, updating Charter School Administrators, County and District Superintendents and Chief Business Officials on recent charter legislation, including AB 1994 (attached).

The impact of the court's ruling in Shasta may result in the closing of these resource centers impacting 1,250 highly at-risk students who are now engaged in school and on a path towards graduation, employment of 52 school employees and the inability to meet the millions of dollars in long-term leases and other financial obligations. The result may cause CV South to become insolvent and force it to file for bankruptcy. In addition to the impact on students being displaced, staff's loss of employment and school closure costs, local communities and the state of California will be affected by the loss of the societal benefit of each high school dropout recovered through CV South's educational program. On average each high school dropout costs the state of California \$209,200. ¹ The dropout recovery of CV South's educational program has a potential savings of \$261,500,000 for the state California. For many of these students CV South's program is their last hope of obtaining a high school diploma.
¹Source: Levin, et al.

This waiver is necessary to protect the continued operation of CV South's existing resource centers that provide the services and resources required under *Education Code* Section 51746, intervention support for all students, direct instruction opportunities for all students, and 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"), UCOP approved A-G coursework including hands on science labs with equipment and manipulatives and state mandated testing as required of charter schools pursuant to *Education Code* Section 47605(c).

Student Population: 1250

City Type: Rural

Public Hearing Date: 2/2/2017

Public Hearing Advertised: Notice posted at the Westside Elementary School District office and Crescent View South Charter school main office, resources centers and website.

Local Board Approval Date: 2/2/2017

Community Council Reviewed By: Crescent View South Charter school board of directors.

Community Council Reviewed Date: 11/28/2016

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Baldomero Hernandez

Position: Superintendent

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Name of the Bargaining Unit- Westside Teachers Association-WTA

Representative Name and Title- Gary Cunha, President

Date the Bargaining Unit was consulted- April 24, 2017

Position of the bargaining unit (neutral, support, oppose (if opposed, specify why))- Support