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Supplemental information for the New Day Academy-Shasta waiver submitted December 2017 by Whitmore Union Elementary School District regarding the Shasta County Resource Center.

**Resource center location:** 2570 South Bonnyview Drive, Redding, CA 96003

**School districts in which the center is located:** Redding Elementary School District, Shasta Union High School District

**Date resource center was established:** July 1, 2016

**Number of students served by the center:** 100 students grades TK-12

**Discussion regarding the establishment of the resource center and need for the waiver:**

NOA-Shasta began operation of a resource center at 2570 South Bonnyview, Redding, CA on July 1, 2016 as allowed by previous statutory interpretation and the Shasta County Superior Court in the *Anderson v. Shasta Secondary* matter. This resource center was used on a daily basis as an office, teacher meeting space, teacher/student meetings, internal assessment of students of all grade levels, student intervention meetings with specialists (reading, math, and writing), classes and intervention, and SBAC preparation and for the provision of special education services. The school had planned to use the facility for state testing.

On October 16, 2016 when the appellate court decision was announced, school administration sought clarification from legal counsel regarding use of the resource center and suspended use of the resource center for all activities except assessment and special education services. On February 10, 2017, NOA-Shasta received cease and desist orders from legal counsel for the Redding School District, the Shasta Union High School District, and the Shasta County Office of Education threatening suit if the school continued to use the resource center. Upon receipt of these letters, NOA-Shasta suspended all resource center operations in an effort to avoid a lawsuit including service to special education students.

Although, NOA-Shasta's landlord did allow NOA to stop rent payments in January, NOA remains obligated to cover telephone, internet, and electricity costs in accordance with its agreement with the property owner the remainder of the year.

New Day Academy-Shasta's teachers and support staff are meeting students in their homes and in various locations throughout Shasta County. These location adjustments have had the following impact:

- Special education students (who are served at a greater rate than the special education rate in Shasta County and who are primarily in need of special education services related to their placement on the autism spectrum) are forced to cope with the instability and lack of familiar surroundings impeding their ability to meet the goals of their IEPs.
- Supervised Internal assessment (i-Ready and MAP) is irregular and impacted by unreliable internet capacity and inability of students to get to varying public venues on short notice.

- Organized group SBAC preparation sessions have been eliminated which will likely lead to unreliable high stakes student performance data.
- Small group instruction for struggling students has been eliminated, impacting the school's ability to deliver effective instructional strategies as described in its approved charter.
- Parent and advisory council meetings have reduced attendance due to uncertainty regarding designated meeting locations.
- State assessment will be scheduled at locations that are unfamiliar to the student population and staff. We anticipate this will have a negative impact on assessment results.

The Whitmore Union Elementary School District provides one classroom for NOA-Shasta as described in its approved charter, but the classroom does not have a reliable internet connection for online assessment and is not large enough to accommodate the services and activities described in the charter.

The District seeks this waiver on behalf of NOA-Shasta to reinstate the services it had been providing to students prior to the cease and desist order as described above for the remainder of this year and the 2017-2018 school year. We are requesting that this waiver be granted to allow NOA-Shasta the time it needs to seek alternative lawful options for transition under the *Anderson v. Shasta Secondary* decision.

Please let me know if you have any questions regarding this supplemental information.

Sincerely,

Dr. Lawrence Robins Superintendent  
Whitmore Union Elementary School District