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California Department of Education  
WAIVER SUBMISSION - General

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CD Code: 4570169

Waiver Number 37-12-2016

Active Year: 2016

Date In: 12/20/2016 2:01:59 PM

Local Education Agency: Whitmore Union Elementary School District  
Address: 30611 Whitmore Rd  
Whitmore, CA 96096

Start: 3/1/2017

End: 6/30/2019

Waiver Renewal:

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Charter School Program

Ed Code Title: Geographic Limitations - Non-classroom Based

Ed Code Section 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

(1) The school has attempted to locate a single site or facility to house the entire program, but such a facility or site is unavailable in the area in which the school chooses to locate.

(2) The site is needed for temporary use during a construction or expansion project. Outcome Rationale:

Outcome Rationale:

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. 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 Northern Summit Academy has one resource center outside district boundaries but within Shasta County that is compliant with the ruling. This waiver IS sought to protect the continued operation and growth of Northern Summit Academy by allowing Northern Summit Academy to lease an additional facility outside of the authorizing district's boundaries but within Shasta County for our developing CTE Program and for testing and test preparation pursuant to *Education Code* Section 47605(c). Northern Summit Academy is currently unable to accommodate our CTE Program and complete required state assessments within it's current resource center due to inadequate space to accommodate the student population and CTE materials and equipment.

Northern Summit Academy

Northern Summit Academy is a K-12, non-classroom based charter school for grades K-12 authorized by Whitmore Union Elementary School District in February 2014. Northern Summit Academy currently has 95 enrolled students who reside in Shasta and Tehama counties. Northern Summit Academy serves many students who, for various reasons have not been successful in the comprehensive schools. The evidence of this lack of success is that many of the 3-12 grade students enroll performing below grade level in reading, language arts and math. Many of the high school students enroll in a credit deficient state.

100% of the students are required to participate in Northern Summit Academy's universal assessment's 3 times per year for academic progress monitoring. Approximately 53 of whom are in grades that must participate in the state's standardized testing program each year.

State and local assessments: due to limited staff we need a larger space where our small number of staff can appropriately supervise testing. Our current resource center can only accommodate a small group of students in each room. We are forced to rent an additional testing site several times per year so that we ensure at least 2 certificated testing supervisors per group of students.

100% of Northern Summit Academy's 9th-12th grade students are encouraged to participate in our CTE Program. The program is severely limited due to our space constraints.

CTE Program: NSA is expanding its program and developing CTE Pathways. Our current resource center does not have adequate square footage to accommodate our CTE equipment and materials, nor can it accommodate the growing number of students desiring to participate in the program. We are planning and working towards qualifying for the next Perkins Grant. Our space issues will impede this program expansion.

NSA plans to expand CTE to our 7th and 8th grade students. Again, the current space limitations impede this goal.

The limited space of the current leased building is negatively impacting the quality and growth of the charter program.

Enrollment - NSA continues to grow. We need to continue to increase our enrollment/ADA in order to reach a sustainable point and meet our Funding Determination goals. The current space is not adequate to house the material needs of a growing enrollment. The current space is not adequate to facilitate the professional delivery of the expanding program

#### Real Estate Options

Available buildings: NSA serves students who are largely residing in the south Shasta County area. Available buildings, within our price range, are limited. We completed an extensive search for an adequate resource center location. Few buildings have the total square footage we actually require and all of them required extensive and expensive renovations. We have identified affordable buildings near our current resource center that could solve our space challenges if used as additional spaces. Even if, in the future, we could locate an affordable and serviceable single building, we are now locked into a lease in our current center until 6/30/2019.

#### Students/ Employees Affected

The Shasta Ruling impacts approximately 95 students: 51 percent are socioeconomically disadvantaged and 13 percent are students with special needs

Northern Summit Academy has 10 employees, 4 are full time certificated teachers.

#### District Oversight

The District provides supervisory oversight for Northern Summit Academy as required by *Education Code* Section 47604.32. The District affirms that at all times Northern Summit Academy has operated its resource center consistent with the advice and written guidance issued by the California Department of Education since 2002.

Student Population: 95

City Type: Rural

Public Hearing Date: 12/13/2016

Public Hearing Advertised: Notice posted in all required locations.

Local Board Approval Date: 12/13/2016

Community Council Reviewed By: NSA Board of Directors

Community Council Reviewed Date: 12/8/2016

Community Council Objection: N Community Council Objection Explanation

Audit Penalty YN: N

Categorical Program Monitoring - N

Submitted by Dr. Larry Robins

Position: Superintendent

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