

California Department of Education
WAIVER SUBMISSION - General

CD Code: 3767983

Waiver Number: 30-12-2016

Active Year: 2016

Date In: 12/15/2016 3:38:49 PM

Local Education Agency: Borrego Springs Unified School District
Address: 2281 Diegueno Rd.
Borrego Springs, CA 92004

Start: 7/1/2016

End: 7/1/2018

Waiver Renewal: N

Previous Waiver Number: Previous SBE Approval Date:

Waiver Topic: Other Waivers

Ed Code Title: Other Waivers

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: Juan Bautista De Anza Charter School (“Juan Bautista”) has been authorized by Borrego Springs Unified School District (the “District”) since 2008. Juan Bautista is a non-classroom based/independent study charter school program offering independent study programs for grades K-12.

Juan Bautista provides an independent study blended model using a rigorous University of California “A-G” approved curriculum. Fuel Education provides online courses in all subject areas, excellent AP courses, and a new career track component. In addition, Juan Bautista offers a College Bound Club, Horse Wisdom/Leadership classes, and fifteen cultural literacy field excursions to museums, performances, and historical sites each year. A Learning Style Inventory (“LSI”) is given to each student to enhance the self-paced highly individualized program. Our parents become learning coaches and are given the tools and training to assist and monitor their children’s online learning. Juan Bautista is fully WASC accredited.

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, Juan Bautista operates one resource center, the Ramona Learning Center, outside District boundaries but within San Diego County affected by the Shasta Ruling. This waiver is sought to protect the continued operation of Juan Bautista by allowing Juan Bautista to operate facilities outside District boundaries but within San Diego County.

This waiver is necessary to provide the services and resources required under *Education Code* Section 51746, intervention support for all students, and 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”) in addition to state mandated testing as required of charter schools pursuant to *Education Code* Section 47605(c).

The Shasta Ruling impacts approximately 63 students, 60% of which are socioeconomically disadvantaged.

This ruling will also have an impact on the 7 Juan Bautista employees.

Student Population: 63

City Type: Rural

Public Hearing Date: 12/14/2016

Public Hearing Advertised: Notice posted at the Borrego Springs Unified School District main office and website

Local Board Approval Date: 12/14/2016

Community Council Reviewed By: Juan Bautista Board of Directors

Community Council Reviewed Date: 12/3/2016

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Bargaining Unit Date: 12/09/2016

Name: Borrego Springs Charter #464 California School Employees Association

Representative: Lisa Zierath,

Title: President

Position: Neutral

Comments:

Submitted by: Mr. Mark Stevens

Position: Superintendent

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