

California Department of Education  
WAIVER SUBMISSION - General

CD Code: 3768049

Waiver Number: 7-2-2017

Active Year: 2017

Date In: 2/8/2017 3:33:02 PM

Local Education Agency: Dehesa Elementary  
Address: 4612 Dehesa Rd.  
El Cajon, CA 92019

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* Sections 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:  
(A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.  
(B) The site is needed for temporary use during a construction or expansion project.]

*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: Community Montessori (CM) was authorized by Dehesa School District (District) in 2012. CM primarily offers an independent study, non-classroom based educational program with individualized learning plans for students. The goal of CM is to guide students to be self-sufficient learners who take initiative and responsibility for their learning. By focusing on opportunities to identify and obtain mastery, through flexibility and autonomy, students find purpose in their learning and are motivated to dig deeper and strive further.

On October 16, 2016, the 3rd District Court of Appeals ruled in AUHSD 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, CM has approximately six resource centers located within San Diego County that are affected by the ruling. This waiver is necessary to allow the continued operation of CM's existing resource centers.

Approximately 375 students are currently enrolled at CM. Suddenly closing these resource centers poses not only an academic hardship for students and an employment hardship for staff, but a financial hardship for the school as CM may be forced to forfeit leases.

Please note, CM's employees are not organized into bargaining units, but the District consulted with its employees' exclusive representatives prior to the submission of this waiver request, and they are not opposed to the waiver. Before submitting these waiver requests, Dehesa School District's Superintendent, Nancy Hauer, met with The Dehesa Teacher's Association ("DTA") President Nicole Suetos and Vice President Mynor Pinillos on either December 1 or 2, 2016, and the California School Employees Association ("CSEA") Dehesa Chapter #663 President Jackie Finch and Vice President Jaime Martina on either November 28 or 29, 2016.

Student Population: 375

City Type: Rural

Public Hearing Date: 12/8/2016

Public Hearing Advertised: Website

Local Board Approval Date: 11/29/2016

Community Council Reviewed By: Dehesa Charter School Board of Directors

Community Council Reviewed Date: 11/29/2016

Community Council Objection: N

Community Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Ms. Nancy Hauer

Position: Superintendent

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Bargaining Unit Date: 12/01/2016

Name: Dehesa Teacher's Association (DTA)

Representative: Nicole Suetos

Title: President

Position: Neutral

Comments: