

California Department of Education
WAIVER SUBMISSION - General

CD Code: 376849

Waiver Number: 32-12-2016

Active Year: 2016

Date In: 12/15/2016 7:14:02 PM

Local Education Agency: Dehesa Elementary School District
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 Ed. Code Sections 47605(a) 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: Dehesa Charter School (DCS) was authorized by Dehesa School District (District) in 2001. The current charter was renewed in June of 2015 for a period of five years.

DCS offers a personalized learning program which addresses common core standards via a research-based learning styles model, a wide range of learning environments and curricula, and parent support as the daily monitor of student learning. The goal of DCS 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, the Charter School has six resource centers located within San Diego County that are affected by the ruling. This waiver is necessary to allow the continued operation of Dehesa Charter School's existing resource centers.

Approximately 1,071 students are currently enrolled at DCS. Approximately 93% of students use a resource center for a variety of reasons. Reasons for attending a resource center include, but are not limited to: receiving special education services, attending a required lab for a UC-approved science course, receiving specialized instruction, English Language Development, and/or to work cooperatively in a social setting. Nearly 50% of the students have attended private, charter, or R-4 home-schooling prior to enrolling with Dehesa Charter School and are unlikely to enroll in their neighborhood school if a resource center was no longer available to them.

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 well. DCS's current resource center leases expire between 2017 and 2024 with monthly rents varying between \$1,236 and \$26,467.

As an independent study school, Dehesa Charter does not receive any building funds. As such, leases are paid for from the general fund. The school would not be able to meet these financial obligations and rent public space to conduct the required services as well.

The District has been very active in DCS's development and oversight by designating a district board representative to remain informed on governance, requiring regular communication between the District Superintendent and Charter Director, participating in the WASC accreditation process, selecting and conferring with the auditor, serving as the Local Education Agency (LEA) for special education, collaborating on charter revisions as necessary, providing space on District property for student services and meetings, visiting properties managed by the Charter for administrative and instructional purposes, and provide additional support as needed. To the best of District's knowledge, DCS has operate its resource centers consistent with the advice and written guidance issued by the California Department of Education since 2002. (See attachments.)

Please note DCS's employees are not organized into bargaining units, but the District consulted with its employees' exclusive representative prior to the submission of this waiver request, and they are not opposed to the waiver.

Student Population: 1071

City Type: Rural

Public Hearing Date: 12/8/2016

Public Hearing Advertised: Notice posted at the District main off and DCS main office and resource centers.

Local Board Approval Date: 12/8/2016

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: Mr. Eric Stevens

Position: Attorney for Dehesa Elementary Sch. Dist.

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Bargaining Unit Date: December 1, 2016

Name: Dehesa Teacher's Association ("DTA")

Representative: Nicole Suetos, President and Mynor Pinillos, Vice President

Position: Support