

California Department of Education

Executive Office

SBE-005 (REV. 10/2017)

General Waiver

# California State Board of Education January 2017 Agenda Item #W-18

## Subject

Request by **Folsom-Cordova Unified School District** for a waiver of portions of California *Education Code* Section 48661(a) to permit collocation of Prospect Community Day School, a community day school, on the same site as Kinney Continuation High School, a continuation high school.

## Waiver Number

6-10-2017

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by **Folsom-Cordova Unified School District** (USD) for a renewal of a waiver of portions of California *Education Code* (*EC*) Section 48661(a) to permit collocation of Prospect Community Day School (CDS), formerly known as Mather Youth Academy, on the same site as Kinney Continuation High School, a continuation high school. The previous waiver request was approved on May 12, 2016, for the period of July 1, 2016 through

June 30, 2017.

## Authority for Waiver

*EC* Section 33050

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

This waiver provides for Prospect CDS, operated by the Folsom-Cordova USD, to be located on the same campus as Kinney Continuation High School, on the basis of a two-thirds annual vote of the local governing board certifying that satisfactory alternative facilities are not available for a CDS, in accordance with *EC* Section 48661(b).

## Summary of Key Issues

*EC* Section 48916.1(a) requires school districts to ensure that each of their expelled students be provided an educational program during the period of expulsion. *EC* Section 48661(a) states that a CDS shall not be situated on the same site as a comprehensive elementary, middle, or high school, continuation high school, or an opportunity school. *EC* Section 48661(a) authorizes a small school district with 2,500 or fewer students to waive the separation requirement based on an annual certification by at least two-thirds of the local board confirming that separate alternative facilities are not available. The governing board for the Folsom-Cordova USD is asking for similar authority as the board of a smaller district through this waiver. Folsom-Cordova USD enrolls approximately 20,647 total students. The local board voted unanimously to request the waiver.

Prospect CDS, formerly known as the Mather Youth Academy, which serves students in grades seven through twelve, shared its original site with Mather Youth Opportunity, under the authorization of a State Board of Education (SBE) waiver approved for January 1, 2013, through June 30, 2015. During that time, there were no significant negative interactions between students from the two schools. Mather Youth Opportunity was moved to another site at the end of the 2014–15 school year.

A significant drop in the CDS enrollment and overcrowding in other schools has necessitated relocating the CDS, which serves students in grades seven through twelve, to the same site as Kinney Continuation High School, also serving students in grades seven through twelve. Separation of students in the two schools has been maintained through a number of means. Strong administrative support and supervision, including a shared principal and vice principal, counseling staff, psychologist, therapist, behaviorist, office staff, campus supervisors, and outside support agencies. Physical separation is maintained through separate buildings divided by a fence and open space. This open space is monitored by staff to ensure that students are stopped and stay in their assigned school. This provides both schools with two separate and distinct locations. Each school has its own restrooms. The administration and campus monitors ensure that the students do not intermingle, especially during arrival and departure times. Students arrive and depart at different times and ride separate buses.

The Folsom-Cordova USD believes their preventive measures, including the separation of facilities, a strong administrative team, and a full-time campus monitor has ensured a high level of safety and security. There have been no negative interactions between students from the two schools. The local school board voted unanimously to approve this waiver request. The Folsom-Cordova Education Association President,

Angelica Miklos, is neutral on the waiver and the California School Employee Association American River Chapter supports the waiver, through its president, Steve Hanson. The Prospect CDS Site Council and Alternative Education Committee also had no objections to the waiver. A special district-level committee comprised of comprehensive and alternative school district administrators and the school site council representatives approved the waiver request, as well.

Based on the Folsom-Cordova USD’s longstanding record of success in maintaining safety with collocation of its CDS, the CDE is supporting the request for this waiver and that the district will not need to reapply if the information contained on the request remains current.

**Demographic Information:** Folsom-Cordova USD has a student population of 20,647 and is located in an urban area in Sacramento County.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a), available at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051>.

## Summary of Previous State Board of Education Discussion and Action

The SBE has approved previous waiver requests to allow the collocation of a CDS on the same site as another school when the CDS could not be located separately, and the district has been able to provide for the separation of the CDS students from other schools.

**Fiscal Analysis (as appropriate)**

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table of Community Day School State Board of Education Waiver (1 page)
* **Attachment 2:** Folsom-Cordova Unified School District General Waiver Request 6-10-2017 (3 pages). (Original Waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* Section 48661(a)

| **Waiver Number** | **District Name, Size of District, and Local Board Approval Date** | **Type of School with which CDE will be Collocated(if waiver of *EC* Section 48661[a])** | **Period of Request** | **If granted, this waiver will be “permanent” per *EC* Section 33051(b)** | **Bargaining Unit Name and Representative, Date of Action, and Position** | **Advisory Committee/Schoolsite Council Name, Date of Review and Any Objections** |
| --- | --- | --- | --- | --- | --- | --- |
| 6-10-2017 | Folsom-Cordova Unified School District (USD)  20,647 students  45 Students I Prospect Community Day School (CDS)  150 Students in Kinney Continuation High School  October 5, 2017 | Prospect CDS  Kinney Continuation School | **Requested:**  July 1, 2017 to June 30, 2019  **Recommended:** July 1, 2017 to June 30, 2019 | Yes | Folsom Cordova Education Association Angelica Miklos, President October 5, 2017  **Neutral**  California School Employee Association American River Chapter #528 Steve Hanson, President March 21, 2017  **Support** | Prospect CDS Site Council and Alternative Education Committee **No Objections** |

Created by California Department of Education

November 28, 2017

# Attachment 2: Folsom-Cordova Unified School District General Waiver Request 6-10-2017

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 3467330

Waiver Number: 6-10-2017

Active Year: 2017

Date In: 10/10/2017 9:58:58 AM

Local Education Agency: Folsom-Cordova Unified School District

Address: 1965 Birkmont Dr.

Rancho Cordova, CA 95742

Start: 7/1/2017

End: 6/30/2019

Waiver Renewal: Yes

Previous Waiver Number: 9-2-2016-W-03

Previous SBE Approval Date: 5/12/2016

Waiver Topic: Community Day Schools (CDS)

Ed Code Title: Colocate Facilities

Ed Code Section: 48661(a)

Ed Code Authority: 33050

Ed Code or *CCR* to Waive: A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows:(1) When the governing board of a school district [with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment] certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school.

Outcome Rationale: The Folsom Cordova Unified School District is requesting a waiver of California *Education Code* (*EC*) Section 48661(a), which provides that a CDS shall not be situated on the same site as other types of schools. The Folsom Cordova USD is seeking the SBE approval to permit the Mather Youth Academy, now known as Prospect Community Day School, a CDS for students in grades seven through twelve with an enrollment of 45, to operate on the same site with the Kinney Continuation High School. Kinney High School maintains an enrollment of 150, for students requiring high staff to student ratio in a highly structured environment. *Education Code* Section 48661(a)(1) authorizes a small school district with 2,500 or fewer students to waive the separation requirement based on an annual certification by at least two-thirds of the local board that separate alternative facilities are not available. This waiver, if approved, would provide the Folsom Cordova USD the same local determination option as a smaller district.

A waiver for Mather Youth Academy CDS and Mather Youth Opportunity collocation on the Mather Youth Academy site was granted on January 15, 2014 waiver #:21-10-2013-W-05. At the end of the 2014-2015 school year Mather Youth Opportunity program was relocated to another site within the Folsom Cordova Unified School District eliminating the collocation at Mather Youth Academy CDS. Only Mather Youth Academy/Prospect CDS is collocated onto the Kinney Continuation High School site.

For the 2016-2017 school year, the Folsom Cordova USD, as part of a greater district wide review of specialized schools, was granted a waiver to fully authorize the collocation of the Mather Youth Academy/Prospect CDS on the Kinney Continuation High School campus. The district is finding that it does not have the resources to operate our CDS at a fully separate location. Mather Youth Academy/Prospect CDS enrollment has dropped below fifty students and housing Mather Youth Academy/Prospect CDS on its current site does not maximize the use of that facility. The district has moved another school into this location in order to avoid over - crowding. Mather Youth Academy/Prospect CDS and Kinney Continuation High School share resources including a joint Principal, Assistant Principal, counseling staff, psychologist, therapist, behaviorist, office staff, campus supervisors, and outside support agencies. Due to the staff and collocation there are several programs that are being implemented, like Positive Behavior Intervention and Support, Restorative Justice practices and access to the career technical education industrial arts welding pathway and culinary programs

Separation is maintained through separate buildings divided by a fence and open space. This open space is monitored by staff to ensure that students are stopped and stay in their assigned school. This provides both schools with separate and distinct locations. Each school has its own restrooms. Students arrive and depart at different times, and ride separate buses. The administration and campus monitors ensure that the students do not intermingle, especially during arrival and departure times. The Folsom Cordova Unified School District believes our preventive measures including the separation of facilities, a strong administrative team and a full-time campus monitor has ensured a high level of safety and security. There have been no issues involving students between the two schools.

The Folsom Cordova Unified School District has looked and continues to explore other options for the location of Prospect CDS. Due to low attendance and high cost of facilities and staff the continuance of Prospect CDS on Kinney campus is necessary.

The local school board voted unanimously to approve the waiver. The Folsom Cordova Education Association, through its president, Angelica Miklos, is neutral on the waiver, and the California School Employee Association American River Chapter #528, through its president, Steve Hanson, supports the waiver. A special district level committee comprised of comprehensive and alternative school district administrators and the school site council representatives from Prospect CDS also approved the waiver. The Folsom Cordova Unified School District is requesting this waiver for the July 1, 2017 through June 30, 2019 school year.

Student Population: 20647

City Type: Urban

Public Hearing Date: 10/5/2017

Public Hearing Advertised: Posted at each school site, at the district office and on the district's web page

Local Board Approval Date: 10/5/2017

Community Council Reviewed By: PCDS Site Council. The Alternative Education Committee.

Community Council Reviewed Date: 2/22/2017

Community Council Objection: No

Community Council Objection Explanation: *(None)*

Audit Penalty YN: No

Categorical Program Monitoring: No

Submitted by: Mr. Steve Muzinich

Position: Director of Attendance and Due Process

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Bargaining Unit Date: 03/21/2017

Name: CSEA American River Chapter #528

Representative: Steve Hanson

Title: President

Position: Support

Comments: *(None)*

Bargaining Unit Date: 10/05/2017

Name: Folsom Cordova Education Association

Representative: Angelica Miklos

Title: President

Position: Neutral