

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of Education March 2018 Agenda Item #W-01

## Subject

Request by **Hanford Joint Union High School District** to waive portions of California *Education Code* Section 48663(a), relating to community day school minimum instructional minutes.

## Waiver Number

17-9-2017

## Type of Action

Action

## Summary of the Issue(s)

Request by Hanford Joint Union High School District(District)to waive portions of California *Education Code (EC)* Section 48663(a), relating to community day school (CDS) minimum instructional minutes. Hanford Joint Union High School District (District) is requesting to have the option of offering an independent study placement for students who are enrolled in Hanford CDS when appropriate for the student. The District is especially concerned about the safety of its students who are enrolled in Hanford CDS and its staff. In instances where there is a safety concern for or with a student, it may be appropriate to offer an independent study placement to the student. The District board approved the waiver request.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

The CDE recommends approval of this waiver with the following four conditions:

* All of the provisions included in *EC* sections 51745–51749.6 regarding independent study shall be in place for Hanford CDS students who choose an independent study option.
* The Hanford Union High School District will develop and provide a comprehensive classroom-based educational program for Hanford CDS students who do not choose an independent study program.
* The Hanford Union High School District will develop and submit a transition plan to the CDE which includes a comprehensive educational program for expelled students for the 2018-2019 school year.
* This waiver shall be approved for the period of July 1, 2017 through June 30, 2018.

## Summary of Key Issues

The Kings County Office of Education (COE) provided an educational setting for expelled students from Kings County districts, including offering an independent study placement for students at Kings Community School, before it closed in May 2017. Presently, the COE is no longer providing an educational setting for expelled students from Kings County districts; the requirement to provide this service has been returned to the individual school districts throughout the county. The District is now providing an educational placement for all expelled students who live in the district’s boundaries at Hanford CDS. With this waiver request, the District seeks to have the option of offering an independent study placement for students who are enrolled in Hanford CDS when appropriate for the student. The District is especially concerned about the safety of the students and staff at Hanford CDS. In instances where they have a safety concern for or with a student, it may be appropriate to offer an independent study placement to the student. The ability to offer an independent study program also gives the District the ability to tailor an educational program that more readily meets the individual needs and levels of all students in their program.

Independent study may not be utilized to provide any part of the minimum instructional day pursuant to *EC* Section 48663(a). *EC* Section 48663(a) states that CDSs have a minimum instructional day of 360 minutes provided by a certificated employee of the district reporting the attendance of the students for apportionment funding. An enrolled CDS student may not generate more than one day of CDS attendance credit in a school day for any purpose. For the purpose of calculating additional funding provided to a school district, five (clock) hours of attendance are equivalent to one half-day of attendance. Six or more hours of attendance in one school day are equivalent to one full day of attendance for the purposes of additional funding pursuant to Section 48664.

This waiver is necessary to allow sufficient time for the Hanford Joint Union High School District and Hanford CDS to develop a comprehensive educational program for expelled students, including both classroom-based and independent study programs as appropriate for their students.

The District board approved this waiver request. The Hanford Secondary Educators Association and the California School Employees Association #641 support this waiver through their respective presidents, Dwayne Tubbs and Rosemarie Lopes-Horn. In addition, the Hanford High School Site Council; Hanford West Site Council; and Sierra Pacific School Site Council have no objection to this waiver.

**Demographic Information:** Hanford Joint Union High School District has a student population of 3,700 students and is located in an urban area in Kings County.

**Because this is a general waiver, if the State Board of Education 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

There have been no previous waivers reviewed by the State Board of Education regarding the option of an independent study placement for CDS students.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver renewal.

## Attachment(s)

* **Attachment 1:** Summary Table of Community Day School State Board of Education Waiver (1 page)
* **Attachment 2:** Hanford Joint Union High School District General Waiver Request 17-9-2017 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* Section 48663(a)

| Waiver Number | District Name, Size of District, and Local Board Approval Date | Period of Request | If granted, this waiver will be "permanent" per *EC* Section 33501(b) | Bargaining Unit Name and Representative, Date of Action, and Position | Advisory Committee/Schoolsite Council Name, Date of Review and Any Objections |
| --- | --- | --- | --- | --- | --- |
| 17-9-2017 | Hanford Joint Union High School District  3,700 Students  33 Students in Hanford Community Day School (CDS)  September 26, 2017 | **Requested:**  November 10, 2017 through November 10, 2017  **Recommended:**  July 1, 2017 through June 30, 2018 | No | Hanford Secondary Educators Association  Dwayne Tubbs, President  August 24, 2017  **Support**  California School Employees Association  Rosemarie Lopes-Horn, President  August 24, 2017  **Support** | Hanford High School Site Council, Hanford West Site Council, Sierra Pacific School Site Council  September 12, 2017  **No Objection** |

Created by California Department of Education

January 12, 2018

# Attachment 2: 17-9-2017 Hanford Joint Union High School District

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 1663925

Waiver Number: 17-9-2017

Active Year: 2017

Date In: 9/27/2017 9:56:18 AM

Local Education Agency: Hanford Joint Union High School District

Address: 823 West Lacey Blvd.

Hanford, CA 93230

Start: 11/10/2017

End: 11/10/2018

Waiver Renewal: No

Waiver Topic: Community Day Schools (CDS)

Ed Code Title: Minimum School Day

Ed Code Section: *EC* 48663 Community Day School

Ed Code Authority: *EC* 48663 Community Day School

Ed Code or *CCR* to Waive: a) The minimum schoolday in a community day school is 360 minutes of classroom instruction provided by a certificated employee of the district reporting the attendance of the pupils for apportionment funding.

(b) A pupil enrolled in a community day school may not generate more than one day of community day school attendance credit in a schoolday for any purpose.

(c) For the purposes of calculating the additional funding provided to a school district pursuant to Section 48664, only community day school attendance shall be reported in clock hours. Attendance of less than five clock hours in a schoolday shall be disregarded for purposes of Section 48664. Five clock hours of attendance in one schoolday shall be deemed to be one-half day of attendance, for purposes of additional funding pursuant to Section 48664. Six clock hours or more of attendance in one schoolday shall be deemed to be one day of attendance, for purposes of additional funding pursuant to Section 48664.

[(d) Independent study may not be utilized as a means of providing any part of the minimum instructional day provided pursuant to subdivision (a).]

(e) A community day school's academic programs shall be comparable to those available to pupils of a similar age in the school district.

(Amended by Stats. 1998, Ch. 847, Sec. 3.)

Outcome Rationale: The Kings County Office of Education is no longer providing an educational setting for expelled students from the Districts in Kings County at Kings Community School. This service has been returned to all of the individual School Districts throughout Kings County. The Hanford Joint Union High School District is now providing an educational placement for all expelled students who live in the District’s boundaries at the Hanford Community Day School that is housed within the District. We would like to have the option of offering an Independent Study Placement for students who are enrolled in Hanford Community Day School when appropriate for the student. Our District is especially concerned about the safety of our students who are enrolled in Hanford Community Day School and staff. In instances where we have a safety concern for or with a student, it may be appropriate to offer an Independent Study placement to the student. The ability to offer an Independent Study Program also gives us the ability to tailor an educational program that more readily meets the individual needs and levels of all students in our program. The Kings County Office of Education has been able to provide an Independent Study Placement for students at Kings Community School before it closed in May 2017.

Student Population: 33

City Type: Urban

Public Hearing Date: 9/26/2017

Public Hearing Advertised: The public hearing was advertised in the Hanford Sentinel on September 21, 22, and 26. The Notice was also posted at all school sites in the District.

Local Board Approval Date: 9/26/2017

Community Council Reviewed By: Hanford High School Site Council; Hanford West Site Council; Sierra Pacific School Site Council

Community Council Reviewed Date: 9/12/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Ward Whaley

Position: Director of Administrative Services

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Bargaining Unit Date: 08/24/2017

Name: California School Employees Association #461

Representative: Rosemarie Lopes-Horn

Title: President

Position: Support

Bargaining Unit Date: 08/24/2017

Name: Hanford Secondary Educators Association

Representative: Dwayne Tubbs

Title: President

Position: Support