

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Specific Waiver

# California State Board of Education March 2019 Agenda Item #W-13

## Subject

Request by **Hacienda La Puente Unified School District** to waive California *Education Code,* Section 56195.3(b), regarding notification to the California Department of Education of its intent to elect an alternative special education local plan option at least one year before the proposed effective date of the implementation of the alternative plan.

## Waiver Number

9-1-2019

## Type of Action

Action, Consent

## Summary of the Issue(s)

The Hacienda La Puente Unified School District (HLPUSD) and Rowland Unified School District (RUSD) make up the Puente Hills Special Education Local Plan Area (SELPA). The HLPUSD is proposing to form its own single-district SELPA. RUSD will also form its own single-district SELPA. Staff of the Special Education Division reviewed the request and determined that HLPUSD did not submit the notification of an alternative option to the California Department of Education (CDE) at least one year prior to the proposed effective date of the implementation of the alternate plan, as specified in California *Education Code (EC)*,Section 56195.3(b). As a result, the HLPUSD is requesting a waiver of the one-year notification requirement in order to proceed with the HLPUSD’s intent to form their own SELPA.

If granted, the HLPUSD will separately need to submit a request to waive the SELPA size and scope requirements.

An approval of this waiver by the State Board of Education (SBE) does not presume approval of a SELPA size and scope waiver should the district decide to submit one.

## Recommendation

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

The CDE recommends the SBE approve the request by HLPUSD to waive the requirement of *EC,* Section 56195.3(b) related to notifying the CDE at least one year prior to the proposed effective date of the implementation of the alternative plan.

The purpose of *EC,* Section 56195.3(b) is to ensure that all impacted entities are provided with sufficient notice to plan for the impacts of any proposed changes to a SELPA’s configuration. The Los Angeles County Office of Education (LACOE) received the one-year notification letter on time (June 27, 2018) and the CDE received the letter on August 10, 2018, 40 days after the notice requirement of July 1, 2018. Therefore, although Hacienda La Puente did not make the timeline in notifying the CDE, they made an effort to be compliant under the statute and provided LACOE with the letter on time. Furthermore, the relatively brief delay in providing notice to the CDE did not impact notice and consultation with local decision making entities, such as the Puente Hills SELPA Community Advisory Committee and local bargaining units. Because the relevant local entities were noticed at least one year prior to the proposed effective date, and the district clearly documented that the failure to notify the CDE on time was a clerical error, the department recommends approval.

## Summary of Key Issues

California *EC,* Section 56195.3(b) requires school districts to notify the CDE and participating county offices of its intent to elect an alternative option from those specified on *EC*, Section 56195.1 at least one year before the proposed effective date of the implementation of the alternative local plan.

The HLPUSD and RUSD currently make up the Puente Hills SELPA, located in Los Angeles County. The HLPUSD and the RUSD submitted a proposal for the creation of two single-district SELPAs to the CDE on October 12, 2018.

The HLPUSD has submitted a waiver for the one-year notification requirement in order to proceed with the size and scope waiver. The HLPUSD presented the original letter of intent to exit the SELPA and become a single district SELPA to the county office, but failed to include the CDE. The CDE was provided notification on August 10, 2018.

**Demographic Information:** The HLPUSD has a student population of 18,438 and is located in an urban area in Los Angeles County. The Puente Hills SELPA which currently consists of RUSD (student population of 13,562) and HLPUSD meets statutory size and scope at a combined total of 32,000.

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

This is the first waiver submitted by a local educational agency to waive *EC,* Section 56195.3(b).

## Fiscal Analysis (as appropriate)

There is no fiscal analysis needed for this waiver. A fiscal analysis will be conducted if this waiver is granted and the HLPUSD pursues single-district SELPA status through a SELPA size and scope waiver at the SBE meeting in May.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page).
* **Attachment 2:** Hacienda La Puente Unified School District Specific Waiver Request 9-1-2019 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Attachments to Hacienda La Puente Unified School District

9-1-2019 (6 pages).

# Attachment 1: Summary Table

California *Education Code* Section 56195.3(b)

| Waiver Number | District | Period of Request | District’s Request | CDE Recommended | Local Board and Public Hearing Approval | Penalty Without Waiver | Previous Waivers |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 9-1-2019 | Hacienda La Puente Unified School District (HLPUSD) | **Requested:**  July 1, 2019, to June 30, 2021  **Recommended:** July 1, 2018, to June 30, 2019 | To waive the one-year notification period to elect an alternative option from those specified in California *Education Code* Section [56195.1](javascript:doJump(61757)) | Approval | 10/11/2018 | The HLPUSD and Rowland Unified School District will not be able to submit their SELPA size and scope waiver for the May State Board of Education meeting. | None |

Created by California Department of Education

January 2019

# Attachment 2: Waiver 9-1-2019 Hacienda La Puente Unified School District

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 1973445

Waiver Number: 9-1-2019

Active Year: 2019

Date In: 1/10/2019 12:18:40 PM

Local Education Agency: Hacienda la Puente Unified

Address: 15959 East Gale Ave.

City Of Industry, CA 91745

Start: 7/1/2019

End: 6/30/2021

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: One year notice to change SELPA

Ed Code Section: [56195.3(b)]

Ed Code Authority: ED Code [33050]

Ed Code or *CCR* to Waive: For Hacienda La Puente USD: [56195.3(b)] [ “…notify the department…of its intent to elect an alternative option from those specified in Section 56195.1 at least one year prior to the proposed effective date of the implementation of the alternative plan”]

Outcome Rationale: The Puente Hills Special Education Local Plan Area (SELPA) is composed of two member districts: Hacienda La Puente Unified School District (HLPUSD) and Rowland Unified School District. After much study and deliberation over a two year time period, the Puente Hills SELPA Governance Council formalized its decision on June 20, 2018 to pursue operation as two single district SELPAs, effective July 1, 2019.

Pursuant to *Education Code* Section [56195.3(b)], Hacienda La Puente Unified School District wrote a notification letter (attached) on June 27, 2018 to Los Angeles County of Education (LACOE) and to California Department of Education (CDE), but due to an inadvertent error the letter was sent only to LACOE and not to CDE. The opening paragraph of the June 27th letter affirms that the purpose of the letter was to notify CDE of HLPUSD’s desire to become a single district SELPA. As the intent to notify CDE was clearly stated and the lack of delivery to one of the parties a technical mishap, HLPUSD respectfully requests a waiver of the one year notification requirement. The delayed notification to CDE was rectified in July 2018 through communication with CDE staff.

As supportive information, HLPUSD is submitting copies of the following documents as attachments to this submission:

• June 27, 2018 Notification Letter from HLPUSD to LACOE Superintendent

• August 8, 2018 Letter of Support from LACOE Superintendent to HLPUSD Administration as to Notification and HLPUSD’s goal of operating as a single district SELPA.

• August 10, 2018 Letter from HLPUSD seeking acceptance of appropriate notification to CDE Special Education Director, Kristen Wright.

In anticipation of support from the State Board of Education for its goal of operating as a single district SELPA, HLPUSD has submitted a SELPA Local Plan to LACOE for approval in accordance with *Education Code* Section 56195.3 (c).

Student Population: 18302

City Type: Urban

Local Board Approval Date: 10/11/2018

Audit Penalty Yes or No: N o

Categorical Program Monitoring: No

Submitted by: Ms. Doreen Lohnes

Position: Interim SELPA Director Puente Hills SELPA

E-mail: [doreen.lohnes@rowlandschools.org](mailto:doreen.lohnes@rowlandschools.org)

Telephone: 626-964-7458 x2898

Fax: 626-855-3505

Bargaining Unit Date: 09/20/2018

Name: California School Employees Association CSEA

Representative: Margaret Caldera

Title: President

Position: Support

Bargaining Unit Date: 09/20/2018

Name: Hacienda La Puente Teacher's Association

Representative: Billie Wright

Title: President

Position: Support

Bargaining Unit Date: 09/20/2018

Name: Service Employee International Union (SEIU) Local 9

Representative: Esther Alvarez

Title: Member

Position: Support

# Attachment 3: Attachments to Waiver 9-1-2019 Hacienda La Puente Unified School District

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HACIENDA LA PUENTE UNIFIED SCHOOL DISTRICT

15959 EASTGALEAVENUE • P.O. BOX60002 • CITY OF lNDUSTRY, CA

91716-000: (626)933-1000

June 27, 2018

Debra Duardo, M.S.W. Ed. D.

Superintendent

Los Angeles County Office of Education

9300 Imperial Highway

Downey, CA 90242-2890

RE: Puente Hills SELPA

Dear Superintendent Dr. Debra Duardo:

The purpose of this letter is to inform the California Department of Education (CDE) that Hacienda La Puente Unified School District is giving written notification of the LEA's intent to explore all alternative options to the current SELPA configuration, including but not limited to, becoming a Single District SELPA for the 2019-2020 school year.

Per *Education Code* 56195.3 (b), the Hacienda La Puente Unified School District meets the *Education Code* requirement by providing notification to the California Department of Education, Los Angeles County Office of Education, and Rowland Unified School District. The effective date of the implementation of an alternative plan would be July 1, 2019.

Sincerely,

Annie Bui

Associate Superintendent

Business Services

AB:lg

C: Los Angeles County Office of Education

Rowland Unified School District

Puente Hills SELPA

*Vision Statement:*

The Hacienda La Puente Unified School District is a community committed to developing lifelong learners who value themselves and the diversity of all people; apply decision-making skills leading to responsible actions; and use creativity, critical thinking, and problem solving in meeting the challenges of a changing society.

 **Los Angeles County Office of Education**

Serving Students • Supporting Communities • Leading Educators

Debra Duardo, M.S.W., Ed.D., Superintendent

**Los Angeles County Board of Education**

Thomas A. Saenz, President

James Cross, Vice President

Candace Bond McKeever

Douglas R. Boyd

Alex Johnson

Gregory Mc Ginity

Monte E. Perez

August 8, 2018

Annie Bui

Associate Superintendent, Business Services

Hacienda La Puente USD 15959 E. Gale Blvd.

City of Industry, CA 91745

RE: Puente Hills SELPA

Dear Ms. Bui,

The Los Angeles County Office of Education (LACOE) is in receipt of your letter dated June 27, 2018 giving written notification of your district's intent to explore alternatives to the current SELPA configuration, including becoming a Single District SELPA for the 2019-2020 school year. At the present time, it is my understanding that the Puente Hills SELPA is comprised of Hacienda La Puente USO and Rowland Unified School District. Based on your special education leadership and the size of your district, I am confident that your district will be able to provide a full continuum of services to students with disabilities. However, the potential ramifications to Rowland Unified School District are unknown at this time and may be subject to further analysis. LACOE stands behind your decision to explore other SELPA options, including the possibility that Hacienda La Puente can become its own SELPA. Please let us know how we can help to support your district in this effort.

Sincerely,

Picture of Debra Duardo's signature.

Debra Duardo, M.S.W., Ed.D. Superintendent

DD:av

9300 Imperial Highway, Downey. California 90242-2890 (562) 922-6111



HACIENDA LA PUENTE UNIFIED SCHOOL DISTRICT

15959 EASTGALEAVENUE • P.O. BOX60002 • CITY OF lNDUSTRY, CA

91716-000: (626)933-1000

ANNIE BUI, Associate Superintendent, Business Services

August 10, 2018

Kristen Wright

Director, Special Education California Department of Education

1430 N Street

Sacramento, California 95814

RE: Hacienda La Puente Unified School Districts Notification to become a Single District SELPA

Dear Ms. Wright,

We are writing to request acceptance by the California Department of Education of our official notification to become a single District SELPA at the onset of the 2019-2020 fiscal year.

As acknowledged in the enclosed correspondence from Los Angeles County Office of Education (LACOE) Superintendent Dr. Debra Duardo, LACOE did receive our District's notification letter timely. The opening paragraph of our District's June 27, 2018 letter affirms that the purpose of the letter is to notify the California Department of Education of our intention to become a single District SELPA but inadvertently the letter only reached one of the intended recipients, LACOE, but not the California Department of Education. As the notification was clear and the lack of delivery to one of the parties a technical mishap, we ask that you accept our letter as meeting the official notification requirement.

We appreciate Dr. Duardo's stated recognition that Hacienda La Puente USD can independently provide a full continuum of services to meet the needs of our students with disabilities and her support of our intent to operate as a single District SELPA.

In light of LACOE's support and the unique circumstance involved, we look forward to receiving acknowledgement from the California Department of Education that our District has complied with the notification requirement.

Thank you in advance for your consideration.

Sincerely,

Annie Bui

Associate Superintendent, Business Services

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*Vision Statement:*

The Hacienda La Puente Unified School District is a community committed to developing lifelong learners who value themselves and the diversity of all people; apply decision-making skills leading to responsible actions; and use creativity, critical thinking, and problem solving in meeting the challenges of a changing society.