

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education May 2019 Agenda Item #W-07

## Subject

Request by **Forks of Salmon Elementary School District** to waive California *Education Code* Section 35780(a), which requires lapsation of a district with an average daily attendance of less than six in first through eighth grades.

## Waiver Number

30-2-2019

## Type of Action

Action, Consent

## Summary of the Issue(s)

*Education Code* (*EC*) Section 35780(a) requires a county committee on school district organization (county committee) to lapse a school district when the first through eighth grade average daily attendance (ADA) in schools maintained by that district falls below six. Enrollment in the Forks of Salmon Elementary School District (ESD) has ranged between 8 and 17 students over the past 15 years. Current enrollment is nine students, but four of those students are kindergarteners who do not count toward the ADA threshold of *EC* Section 35780. This condition would require the county to lapse the district effective July 1, 2019. However, these four students will move into the first grade next year and, coupled with the fact that there currently are no seventh or eighth grade students in the district, the district expects enrollment to exceed the ADA threshold for next year thus negating the need to lapse the district. The Forks of Salmon ESD requests that the California State Board of Education (SBE) waive the ADA threshold, which will allow the district to avoid lapsation for the 2019–20 school year. The Siskiyou County Superintendent of Schools (County Superintendent) supports the waiver request.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

## Summary of Key Issues

*EC* Section 35780 establishes the conditions necessary for a county committee to initiate lapsation proceedings for a school district. Subdivision (a) of this section requires lapsation of a school district when the ADA of students in “the school or schools maintained by the school district is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12.” The ADA of the Forks of Salmon ESD is expected to fall below six in the first through eighth grades for the 2018–19 school year, which requires the county to initiate procedures to lapse the district effective July 1, 2019.

Enrollment in these grade levels for the district has exceeded the *EC* Section 35780 threshold over the past 15 years and is projected to do so for at least the next five years. The four current kindergarten students will be advancing to first grade for the 2019–20 school year and the district is expecting two new kindergarten students to enroll that year. Thus, 2019–20 first through eighth grade enrollment is expected to be nine (and total enrollment should be at 11). The numbers of preschoolers who participate in a playgroup that meets weekly in the community underscores the expectation that enrollment will remain steady for at least the next five years.

The county committee is required to annex a lapsed district to one or more adjoining school districts. If the Forks of Salmon ESD were to be lapsed, there would be two potential options for annexation:

* The Junction ESD (2017–18 enrollment of 28); or
* The Scott Valley Unified School District (USD)[[1]](#footnote-1) (2017–18 enrollment of 684).

Both districts are accessible only by way of narrow, steep, and windy mountain roads (primarily one lane only) that are subject to closure during the winter months due to snow, ice, and rock slides.[[2]](#footnote-2) Under ideal commute conditions, one-way travel time to the Junction ESD school is 45 minutes[[3]](#footnote-3) and an hour and a half to other schools in the Scott Valley USD.

Because of the commute difficulties from the Forks of Salmon area to other areas, no school district provides transportation for high school students who graduate from the Forks of Salmon ESD. These high school students typically board with another family outside the district, or the student’s family relocates. Due to this significant geographic isolation, the district believes that, even if it is lapsed, continued operation of the Forks of Salmon School is necessary for the safety of its elementary students.

There would be no clear financial benefit to lapsation if the Forks of Salmon School remains operational. Additionally, with necessary small school funding, the Forks of Salmon ESD is fiscally sound with healthy budget reserves.

Given this lack of financial benefit, the district’s sound fiscal status, the district’s historic and projected enrollment levels, and its significant geographic isolation, the Forks of Salmon ESD is requesting a waiver of the lapsation requirement to avoid lapsation for the 2019–20 school year.

The County Superintendent supports the district’s request.

The CDE recommends the SBE approve the request by the Forks of Salmon ESD for waiver of *EC* Section 35780(a). There has been no local opposition to the waiver request reported and the CDE has determined that none of the grounds specified in *EC* Section 33051(a) that authorize denial of a waiver, exist.

**Demographic Information:** The Forks of Salmon ESD has a student population of nine and is located in a rural area of Siskiyou 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 <https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051>.

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

Over the past five years, the SBE has approved ten similar requests—most recently for the Lincoln ESD (Marin County) at its March 2019 meeting.

## Fiscal Analysis (as appropriate)

There will be no increases in statewide costs due to waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Forks of Salmon Elementary School District General Waiver Request 30-2-2019 (5 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* Section 35780(a)

| **Waiver Number** | **District** | **Period of Request** | **Bargaining Unit Representatives Consulted** | **Public Hearing and Board Dates** | **Advisory Committee Position** |
| --- | --- | --- | --- | --- | --- |
| 30-2-2019 | Forks of Salmon Elementary School District | **Requested**:  April 1, 2019,  to  December 31, 2019  **Recommended**:  April 1, 2019,  to  December 31, 2019 | The district has no bargaining units. | February 14, 2019 | Forks of Salmon Elementary School Parent Advisory (1/31/2019)  **No objections** |

Created by California Department of Education  
March 2019

# Attachment 2: Forks of Salmon Elementary School District General Waiver Request 30-2-2019

## California Department of Education WAIVER SUBMISSION - General

CD Code: 4770292

Waiver Number: 30-2-2019

Active Year: 2019

Date In: 2/28/2019 12:11:46 PM

Local Education Agency: Forks of Salmon Elementary School District

Address: 15616 Salmon River Rd.

Forks Of Salmon, CA 96031

Start: 4/1/2019

End: 12/31/2019

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Lapsation of a Small District

Ed Code Section: 35780

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: *EC* Section [35780] establishes the conditions necessary for a county committee to initiate lapsation proceedings for a school district. Subdivision (a) of this section requires lapsation of an elementary school district when the district's first through eighth grade ADA falls below six. Under conditions of lapsation, a county committee is required to annex the territory of the lapsed district to one or more adjoining districts.

### Outcome Rationale:

#### Forks of Salmon Elementary School

The Forks of Salmon Elementary School resides at 15616 Salmon River Road Forks of Salmon, CA 96031 in a remote and isolated off the “grid” location of Northern California on the beautiful Salmon River. Our District was founded in 1879, once a booming gold and timber area, it is now a one teacher school serving a few families who have found a way to be economically sustainable and are committed to the unique offering of mountain living. Grade spans for our District cover TK-8th grade, though this current year enrolled students are students Kindergarten to 6th grade.

Our school is considered a Necessary Small School and is located about 45 minutes from the nearest other school, Junction Elementary, where travel between the Districts from October - May is often covered with snow, ice and rock slides that can block the road for hours, days or weeks at a time. These one lane roads are over high mountain cliffs and narrow, steep and windy roads along rocky river cannons. They are considered dangerous to drive even when conditions are ideal. All but one family in our District reside about 35-45 minutes in the opposite direction of the closest school so an average commute for a student would be an hour and 15 minutes to an hour and a half.

#### Transportation Issues

Another neighboring District, Scott Valley Unified, located in the opposite direction is approximately 40 miles away. The majority of the Road to Etna is single lane as previously described, but the last 15 miles is two lanes and incredibly windy, steep and involves going over Etna Summit which has an elevation of about 5,600 feet and often so covered in snow and ice that the snow gates are closed and the road is impassable a portion of the school year. At best, the commute for students to that District would be about an hour and a half, when the weather is good, in the opposite direction of our school with parents still being anywhere from 30-45 minutes up old, completely un-maintained logging roads roads to get them to the main road to town with an average commute for one direction still being and hour and 15 minutes to an hour and a half twice a day. Traveling this extra distance would make for a long day for these students and because of the hardship it would pose on the families it would likely result in low ADA.

Forks School currently has 100% eligibility for Free & Reduced Lunch with most of the families having seasonal work. There is no store or gas station in our town and the entire community being off the grid. If we were to merge with another District having families transport students the extra distance would be an incredible hardship, not to mention take hours out of every day that would limit their ability to work. Travel in our area is completely dependent on our County Road Crews being able to get the road cleared to make travel possible a majority of the school year. Our local Road Crew is very limited on their resources and budget and consists of 3 men that need to plow snow and rocks and repair caved away and storm damage over approximately 75 mile stretch of roads, often meaning travel in one direction or the other isn't possible until later in the morning and risks being completely out for extended periods of time.

Forks School is the last remaining school in our watershed. In 2001 Sawyers Bar Elementary located about 14 miles up the road from our school lapsed into our District. Because our District Boundaries cover a lot of territory we work hard at getting all the students to our school every day, offering a van to transport students daily or in lieu of transportation when bus runs are unavailable. As it is, some of the students have a 45 minute bus ride each direction and that makes for a long day.

#### Student Population

We started the school year with 6 students grades K-8 and by October 1st we had a total of 9 students enrolled. Because housing and employment are limited in our community, our Board asked a long time tenant to vacate school owned 3 bedroom 1 bathroom property (our teacherage located at the old Sawyers Bar Elementary School site) so that we can rent it out to a family with children that would be enrolled in our school. We currently rent out the old Sawyers Bar School site as a commercial rental to a local nonprofit that employees families in our District and offers a high quality Watershed Education Program to our school with their grant funding. The original old school site for Forks School now serves as the Forks of Salmon Community Club, a meeting a gathering place for community events and fundraisers, with a stage for our students to perform on, and a small museum collection of historical artifacts for public viewing.

Though we have a total of 9 students enrolled in our District, this year 4 of the students are enrolled in Kindergarten (one of which a student was eligible for 1st grade but the parent opted to have them repeat Kindergarten) Our P-1 Attendance for the start of 18/19 school year for Kindergarten was 3.44 with a total ADA of 7.52 for all grades combined. By the start of next school year 19/20 all 4 Kindergartners will be advancing to 1st grade, and we are expecting 2 new kindergartners to start their education at Forks School. (thus our 1st to 8th grade enrollment will be 9 and 2 kindergartners for a total of 11 students) There is a playgroup for preschoolers that meet weekly in the community and we are expecting enrollment to remain steady for the next 5 years. We have a group of parents who are committed and help us have a low rate of Chronic Absenteeism this year.

#### Fiscal Status of District

Fiscally our school is in good shape. We have had no significant or financial findings in our audits for years. We have money in savings for emergencies and are making good financial decisions. We have a full time Administrator/Superintendent, full time teacher, 2 part time aides/cook, a bus driver, a janitor and maintenance staff. Several of our employees are alumni and some of our students are children of alumni. We have a committed and dedicated school board consisting of 3 individuals, our newest member was born and raised in the community, alumni to District and has a student enrolled in our school. The other two are reappointed term members, one of which has students currently enrolled and the other has future students of the District.

#### Community Support

Our entire watershed is incredibly supportive of our school - we are the hub of the community and our site serves as both an educational facility as well as a community gather place in a centralized location for our students, their families and community members who live in our isolated mountain and river community. We have a committed group of parents, alumni, retirees and community members who either donate to our programs or volunteer at our school throughout the entire year to support a variety of needs including work parties and educational support, field trips, enrichment programs, and high quality and hands on education for students. They contribute their time and money to support fundraising efforts for enrichment activities and a music program for every student to learn to play the violin and cello. Grant funds support science and local career exploration for our students. The local Karuk tribe supports our History, Cultural and Gardening programs.

The County Office of Education is in support of and has encouraged us to apply for this Lapsation Waiver. The current dip in ADA is due to a large number of lower grade students appears to be an anomoly. Enrollment has remained steady for a decade between 9-17 (typically around 9-10 students) and will continue to stabilize for grades 1-8 as younger students in the community become school age and the current kindergartners advance to first grade. Because of the remoteness of our District, even if we were forced to lapse in the future, it is highly likely that Forks of Salmon Elementary School would have to continue to operate as a Necessary Small School; thus there would be no financial savings from the lapsation.

Student Population: 9

City Type: Rural

Public Hearing Date: 2/14/2019

Public Hearing Advertised: Notice posted at Forks of Salmon Elementary School, Forks of Salmon Post Office, Forks of Salmon Community Club and sent out to community members via email

Local Board Approval Date: 2/14/2019

Community Council Reviewed By: Forks of Salmon Elementary School Parent Advisory Group (with 2 student representatives)

Community Council Reviewed Date: 1/31/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Christina Cafferata

Position: Administrator - Superintendent

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1. The Forks of Salmon ESD currently is a component district of the Scott Valley USD. [↑](#footnote-ref-1)
2. There is a *Facebook* group site for area residents to post updates on road conditions at <https://www.facebook.com/groups/341641272882501/>. [↑](#footnote-ref-2)
3. Listed travel time is from the Forks of Salmon School to the Junction ESD school. Most families live approximately 35-45 minutes in the opposite direction of the Junction ESD school—their commute time would be approximately an hour and a half. [↑](#footnote-ref-3)