

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education May 2019 Agenda Item #W-08

## Subject

Request by **Maple Creek 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

10-2-2019

## 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. First through eighth grade enrollment in the Maple Creek Elementary School District (ESD) has ranged between 6 and 11 students for the past 15 years—and the district submitted previous requests to the State Board of Education (SBE) to waive the lapsation requirement in 2015 and 2018.[[1]](#footnote-1) The ADA of the Maple Creek ESD is expected to fall below six for the 2018–19 school-year. Given its historic enrollment and its significant geographic isolation, the district now is requesting a permanent waiver of the lapsation requirement in *EC* Section 35780. The Humboldt County Superintendent of Schools (County Superintendent) strongly supports the waiver request.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

The California Department of Education (CDE) recommends that the SBE not approve the request by the Maple Creek ESD for a permanent waiver of *EC* 35780(a)—the CDE instead recommends that the SBE approve the request just for the 2019-20 and   
2020-21 school years.

## 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 county committee is required to annex a lapsed district to one or more adjoining school districts.

The ADA of the Maple Creek ESD is expected to fall below six in the first through eighth grades for the 2018–19 school-year. Enrollment in these grade levels for the district has ranged from 6 to 11 students over the past 15 years. Because of these low enrollment values (and resultant low ADA), the district has submitted requests to the SBE to waive the *EC* Section 35780 lapsation requirement twice during this 15-year span.

If the Maple Creek ESD were to lapse, it would be most reasonable to lapse into the Blue Lake Union ESD (with a 2017–18 enrollment of 185) or the Kneeland ESD (with a 2017–18 enrollment of 13). Both districts are accessible only by way of narrow, winding, poorly maintained mountain roads that are subject to landslides, fallen trees, snow, and ice during the winter months.

Due to its significant geographic isolation, the Maple Creek ESD believes that, even if the district is lapsed, continued operation of the Maple Creek School is critical to the safety of its students and essential to the social structure of its community, noting that:

* There is no bus transportation for high school students residing within the district’s boundaries. Parents of high school students must arrange their own transportation to the high school. There likely would be no bus transportation provided for elementary students if the Maple Creek School were to close.[[2]](#footnote-2)
* Two-thirds of the families in the district could not afford daily transportation to a school outside of the Maple Creek community—a hardship that “would make a quality education difficult if not impossible.”
* Recent upgrades to satellite service and technology at the school (including high speed internet) allows the school to provide online learning activities to both students and community members (two-thirds of families in the community live “off the grid” because internet service is unaffordable or unavailable to them).
* The school is the only public facility in the community and serves as the social gathering place for community events.

There would be no clear financial benefit to lapsation if the Maple Creek School remains operational. Given this lack of financial benefit, the district’s historic enrollment levels, and its significant geographic isolation, the Maple Creek ESD is requesting a permanent waiver of the lapsation requirement in *EC* Section 35780.

The County Superintendent provides strong support for the district’s request, noting that:

* Safety of the elementary students is the primary concern. The Maple Creek School is located in a remote area and transportation in and out of the district can be very treacherous.
* The Maple Creek academic program is a quality program in a neighborhood setting and is accessible to parents who are very involved in their children’s education. Parents and the community strongly support the school.
* The Maple Creek School is a critical community asset, especially with the recent improvements to technology access.

The CDE is, in general, hesitant to recommend permanent waivers. Although the County Superintendent finds that the district is financially sound[[3]](#footnote-3), the CDE recommends that the SBE monitor the fiscal status of the district for the next two years before considering approval of a permanent waiver. For this reason, the CDE recommends the SBE approve the request by the Maple Creek ESD for a waiver of *EC* Section 35780(a) just for the 2019-20 and 2020-21 school years. 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 Maple Creek ESD has a student population of six and is located in a rural area of Humboldt 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 requests to waive the lapsation requirement—most recently for the Lincoln ESD (Marin County) at its March 2019 meeting. The SBE also approved a request for permanent waiver of the lapsation requirement by the Desert Center Unified School District (Riverside County) at its September 2018 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:** Maple Creek Elementary School District General Waiver Request 10-2-2019 (6 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** |
| --- | --- | --- | --- | --- | --- |
| 10-2-2019 | Maple Creek Elementary School District | **Requested**:  May 1, 2019,  to  July 1, 2021  **Recommended**:  May 1, 2019,  to  July 31, 2020 | The district has no bargaining units. | January 18, 2019 | Maple Creek School Site Council (11/28/2018)  **No objections** |

Created by California Department of Education  
February 2019

# Attachment 2: Maple Creek Elementary School District General Waiver Request 10-2-2019

## California Department of Education WAIVER SUBMISSION - General

CD Code: 1262935

Waiver Number: 10-2-2019

Active Year: 2019

Date In: 2/8/2019 2:08:38 PM

Local Education Agency: Maple Creek Elementary School District

Address: 15933 Maple Creek Rd.

Korbel, CA 95550

Start: 5/1/2019

End: 7/1/2021

Waiver Renewal: No

Waiver Topic: School District Reorganization

Ed Code Title: Lapsation of a Small District

Ed Code Section: 35780(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 35780(a) Any School district which has been organized for more than three years shall be lapsed as provided in this article if the number of registered electors in the district is less than six [or if the average daily attendance of pupils in the school or schools maintained by the district is less than six in grades 1 through 8 or is less than 11 in grades 9 through 12, except that for any unified district which has established and continues to operate at least one senior high school, the board of supervisors shall defer the lapsation of the district for two years upon a written request of the governing board of the district and written concurrence of the county committee. The board of supervisors shall make no more than three such deferments.]

Outcome Rationale: Please see Addendum A (attached)

Student Population: 6

City Type: Rural

Public Hearing Date: 1/18/2019

Public Hearing Advertised: Notice was published in the Times Standard newspaper as well as posted onn the school bulletin board, community bulletin board, school's website, Blue Lake Post Office, and school's facebook page

Local Board Approval Date: 1/18/2019

Community Council Reviewed By: Maple Creek School Site Council

Community Council Reviewed Date: 11/28/2018

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Wendy Orlandi

Position: Superintendent

E-mail: [worlandi@maplecreekschool.org](mailto:worlandi@maplecreekschool.org)

Telephone: 707-668-5596

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## Addendum A: Desired Outcome/Rationale

### School District Background and Geography

Maple Creek School was first established as a district on February 15, 1878, with an enrollment of 7 boys and 5 girls, grades kindergarten through eight.

In 1954 Weyerhauser Timber and Roddiscraft Mill donated the present school site to the District. The newly constructed school served 55 children. In the early sixties the mill was closed, and the student population fell to an average of 12-18 students. In the last five years, the student population has fluctuated between 9 and 12 students.

Currently, Maple Creek School is a remote, necessary small school with an enrollment of 6 students (TK-8). The building is in excellent condition with a beautifully maintained playground. Recent upgrades to satellite service and technology purchases provide daily access to the Internet for students as well as community members, most of whom do not have access at their homes. A grant for $500,000 was secured to provide high speed Internet to the school and the project was completed in August of 2018. The school now provides access to online learning opportunities for students and community members. As the only public facility in the area, it serves both as an educational facility as well as community gathering place.

The school is nestled in the Maple Creek and Mad River Valleys, surrounded by pastureland, forest, and mountains. The area is sparsely settled. It is about a 50-minute drive from Blue Lake, the closest incorporated site, and a 60-minute drive from Eureka, the county seat. All routes are narrow, windy two-lane (barely) roads over the mountain range that separates the valley from the coast and are not fully paved. During the winter, storms cause limitations in travel to and from the valley due to landslides, fallen trees, snow and ice.

### Students Being Served

In the last five years, the school has averaged 9 students per year with a fluctuation between 4 and 12 students. This one-school district serves Transitional Kindergarten through 8th grade students. In the last five years, the school has averaged 70% of the students qualifying for the Free and Reduced Meal Program. One hundred percent of the 2018-2019 student population is a mixture of Asian and Native American/Caucasian students. Fifty percent of the students have an identified disability.

Families of Maple Creek students have expressed a strong interest in keeping these students in Maple Creek School for years to come. With current enrollment, no students will be graduating out for the next three school years.

### Staffing and Support

Maple Creek School employs 1.45 certificated teachers. Part time staff manage the administration, maintenance, and transportation. The teaching staff is highly qualified with one teacher presenting county-wide workshops. Parents and community members are active as classroom and field trip volunteers. One parent volunteers time to teach ukulele.

The School Site Council is active. The Maple Creek Fundraising Committee is active. The District has a three-member Board of Trustees.

### Community

The school is essential to the fabric of the community and fills many needs for its residents, from a social gathering place for community events, to an essential educational resource to its students and the greater community.

The economy in the area is primarily agriculture and the industry in transition with many county permits in process. Other income is generated by logging, timber, cattle ranching, contracting and construction businesses. The location of the school is accessible for the parents and guardians to be directly involved in their children’s education.

### Contiguous School Districts and Schools

There are five contiguous school districts—Blue Lake Union School District, Kneeland School District, Klamath-Trinity Joint Unified School District, and Bridgeville School District.

The parents and the school board have expressed that in the event of lapsation, it would be most reasonable for Maple Creek to merge with Kneeland School District being that the school culture best matches the Maple Creek community. The greatest concern for lapsation of Maple Creek is the dangerous transportation routes and duration of the travel time for both students and parents.

The closest (in distance) school district is Kneeland School District; however, the transportation between Maple Creek and Kneeland is very challenging. A portion of that commute includes nine miles of Butler Valley Road. It is a tightly winding, narrow, one lane road along steep cliffs. Parts of the road are falling away. It is not plowed in the winter, and mud slides add to the treacherous condition of the road. If Maple Creek School lapsed and was absorbed by Kneeland School District students from Maple Creek would have to travel on Butler Valley Road to get to Kneeland Elementary School. California Highway Patrol Officer Chris Jackson expressed concern for the safety of the bus traveling on Butler Valley road because the road is very narrow with a steep cliff on one side, has many blind corners, and is not plowed in the winter.

Blue Lake School is 16.43 miles from Maple Creek School, with approximately nine miles of poorly-maintained gravel road. It takes approximately 50 minutes to make the drive, one way, between the schools depending on the condition of the road, weather and number of logging trucks traveling the route. Mudslides and downed trees are also challenge.

Trinity Valley Elementary School is located in the Klamath-Trinity Joint Unified School District. For most of the students, this would involve nearly two hours of travel. Snow Camp Road to Trinity Valley is not passable in the winter and often requires a four wheel drive vehicle in the summer. The Bridgeville School is even further away and would involve a longer commute.

Currently Maple Creek District students (grades TK-8) feed into Arcata High School District for grades 9-12. Kneeland School District students feed into Eureka High School. Blue Lake School District students feed into Arcata High School. No high school provides transportation in or out of the Maple Creek District boundaries (Maple Creek Road or Butler Valley Road). If Maple Creek Elementary School lapses there will be no additional transportation funding for the absorbing district and there will most likely not be any transportation provided for students of any grade. All high school students within the Maple Creek SD boundaries are responsible for their own transportation to high school.

### Challenges in Transportation

Maple Creek School provides bus transportation for 100% of the enrolled students. It is a hardship for many of the parents to provide transportation from home to school. The bus is equipped with snow chains and a strobe light for improved visibility in the frequently dense fog. Even with this equipment, the district has historically declared emergency closures and/or emergency minimum days due to road conditions that include downed trees, ice, snow and mudslides. Often a community member lends a hand and chainsaw expertise to clear the road for staff and students. Maple Creek Road is not well maintained by the county, with approximately nine miles between Maple Creek School and Blue Lake School that is gravel with deep potholes with parts of the road caving in.

Sixty seven percent of the families cannot afford the daily drive to town to transport their children to another school. Some of the families struggle to keep a vehicle running just to get to town for groceries. The hardship of the daily commute would make a quality education difficult if not impossible. Sixty seven percent of the student population lives off of the grid, and Internet access is not affordable or available for them at home. If students were bused out of the district, parents and guardians would be a great distance away in the event of an emergency, problem, or illness.

### Financial Considerations

If the Maple Creek School District is lapsed, it may be reorganized into the Kneeland School District. Maple Creek School may stay open as a school site, and there is no real cost savings to the state as a result of the lapsation. In addition, it is likely Kneeland School District will incur a financial loss due to the loss of transportation funding presently allocated to Maple Creek and certainly if the district was required to keep the site open.

### Supportive Community

Parents and community members are grateful for the location and the quality of education that their children are receiving. The educational program and technology access has never been greater. The school’s current highly-qualified teaching staff individualizes the education for each student through the structure of the daily math and language arts program. The school is at a 1-1 ratio for technological devices, which the students use for daily curriculum and individual and group projects. These are qualities that attract and retain students.

If the students are bussed to another school, many of the parents will be limited in their ability to participate in their children’s educational program due to financial hardship and road conditions. Parents are concerned that if their children became ill or if there was an emergency, they would not be able to get to town quickly or at all.

There is a possibility that Maple Creek School will experience growth in the next two years because the Humboldt County Planning Department and the Humboldt County Board of Supervisors are making changes to address the housing shortage in Humboldt County. The permitted agriculture economy is growing in Maple Creek and families are beginning to emerge as the permit process is getting closer to completing permits. As permits are more easily obtained we are hoping that available housing will improve in the community. With the existing enrollment, Maple Creek will have 7 students in TK– 8th grade during the 2019-2020 school year and 8 students in K– 8th grade during the 2020-2021 school year. There are some vacant houses coming available for rent, houses and property for sale in the community, and new structures being built as permits are approved. The permit process is lengthy. Permits that were submitted two years ago are just now near completion. It is the hope of Maple Creek District that the process will move more quickly as these first permits are completed. Housing and property for sale continues to drop in price making it more accessible for new families.

Maple Creek School has been an important part of the community for many years. Community members and parents, as well as school personnel, are committed to upholding the tradition of providing the accessible and quality education for the children in Maple Creek.

1. The Maple Creek ESD pulled the 2018 waiver request from the SBE agenda after final calculations revealed that 2017–18 ADA would not fall below six. [↑](#footnote-ref-1)
2. According to the Maple Creek ESD. The California Highway Patrol has expressed safety concerns for any potential bus travel “because the road is very narrow with a steep cliff on one side, has many blind corners, and is not plowed in the winter.” [↑](#footnote-ref-2)
3. The County Superintendent concurred with the district’s positive certification for its 2018–19 First Interim Report. [↑](#footnote-ref-3)