

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education March 2020 Agenda Item #W-06

## Subject

Request by **Coffee 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

* 14-12-2019

## 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. The first through eighth grade ADA of the Coffee Creek Elementary School District (ESD) is expected to fall below six for the 2019–20 school-year[[1]](#footnote-1) and the district requests a waiver of the lapsation requirement in *EC* Section 35780.[[2]](#footnote-2) Approval of the request will allow the district to remain operational for the 2020–21 and 2021–22 school years regardless of ADA. The Trinity County Superintendent of Schools (County Superintendent) supports the waiver.

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

After a couple of years with ADA below the *EC* Section 35780 minimum threshold (which was the basis for the July 2017 waiver request), the district is requesting another waiver as the school district continues to recover enrollment growth over the next several years. The current first through eighth grade enrollment of the Coffee Creek ESD is four and ADA is expected to fall below six in those grades for the current (2019–20) school-year. However, the district does have five kindergarten students enrolled and hosts a “play group” at the school for three- and four-year old children—there currently are three children in this “play group.” Given the numbers of kindergarten students and three- and four-year old children in the school community, the Coffee Creek ESD expects enrollment to stabilize for future years.

If the Coffee Creek ESD were to lapse, it would be most reasonable to annex the district’s territory to the Trinity Center ESD (with a 2018–19 enrollment of 14). The Trinity Center school site is located less than nine miles from Coffee Creek School.

The County Superintendent supports the Coffee Creek ESD’s waiver request. The Trinity County Office of Education (County Office) provides business services for the district, including budget and payroll. The County Office notes that, in addition to providing basic business support for the district, it also can assist in making decisions to ensure long term fiscal stability.

The California Department of Education (CDE) recommends the SBE approve the request by the Coffee Creek ESD for waiver of *EC* Section 35780(a) for the 2020-21 and 2021-22 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 Coffee Creek ESD has a student population of nine and is located in a rural area of Trinity 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 multiple requests to waive the lapsation requirement—most recently for the Panoche ESD (San Benito County) at its September 2019 meeting. The SBE approved a similar request for the Coffee Creek ESD at its July 2017 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:** Coffee Creek Elementary School District General Waiver Request 14-12-2019 (2 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** |
| --- | --- | --- | --- | --- | --- |
| 14-12-2019 | Coffee Creek Elementary School District | **Requested**:  July 1, 2020,  to  June 30, 2022  **Recommended**:  April 1, 2020,  to  July 1, 2021 | The district has no bargaining units. | **Public Hearing:** December 12, 2019  **Board Action:**  December 17, 2019 | School Advisory Council (12/12/2019)  **No objections** |

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# Attachment 2: Coffee Creek Elementary School District General Waiver Request 14-12-2019

**California Department of Education  
WAIVER SUBMISSION - General**

CD Code: 5371670

Waiver Number: 14-12-2019

Active Year: 2019

Date In: 12/19/2019 10:53:23 AM

Local Education Agency: Coffee Creek Elementary

Address: Coffee Creek Rd. & Ridgewood Rd.

Coffee Creek, CA 96091

Start: 7/1/2020

End: 6/30/2022

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.

Outcome Rationale: Coffee Creek Elementary School District is a single school district located in the north of Trinity County. Our school provides the educational and social needs for all the students in the surrounding area. Our small school might look like a throwback to the one room school house but inside these walls we are providing our students a top rated education. Each classroom is equipped with a teacher computer, smart board, and each student has a Chrome laptop and access to the internet.

At Coffee Creek Elementary School we focus on educating the whole child and creating lifelong learners. We have a veteran teach who inspires students to be independent readers and mathematical thinkers. Our students have designed and built robots out of Legos and used computer program software to have the robots complete tasks. The students used their math skills and scientific process to build roller coasters and track data to prove their hypotheses. Students track their own reading progress using online programs and create a detailed school book list with recommendations for other students. We balance out our technology with a strong understanding of our environment and how each student interacts within the environment. The students work with a master gardener and grow their own fruit and vegetables in the school garden for the school use in our lunch program. This allows the students to understand not only the growing process of the foods we eat, but also have the farm to table experience. Working with forest rangers our students study the ecosystem of the river and forests and how to protect these valuable resources. Each student is taught the impact they have on the resources in our region and all of California. Most importantly, our students understand and have embraced our motto of “service to others”. Students work on identifying how they have helped a fellow student or faculty member at the end of each day and a discussion is held among the students with suggestions given on how or what they each can do the next day. This has spread into the community with our students raising over $520 for the Trinity County Humane Society.

The community and the school have gone through some rough times over the past couple of years and the events that took place had a negative impact on the student population. The district is asking the State to accept our waiver, thereby allowing the school district time to increase and stabilize our student population so this wonderful school can continue to serve the Coffee Creek Community.

Student Population: 4

City Type: Rural

Public Hearing Date: 12/12/2019

Public Hearing Advertised: Public hearing was help prior to student winter performance

Local Board Approval Date: 12/17/2019

Community Council Reviewed By: School advisory council has reviewed the waiver

Community Council Reviewed Date: 12/12/2019

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Brian Burns

Position: Superintendent

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1. Total enrollment for the Coffee Creek ESD currently is nine, with five kindergarten students included in that total. Pursuant to *EC* Section 35780, kindergarten students are not included when calculating ADA for lapsation purposes—thus, only the remaining four students are used to determine ADA for the district. [↑](#footnote-ref-1)
2. A similar waiver for the Coffee Creek ESD was approved by the State Board of Education (SBE) at its July 2017 meeting. [↑](#footnote-ref-2)