

California Department of Education

Executive Office

SBE-006 (REV. 1/2018)

Specific Waiver

# California State Board of Education March 2020 Agenda Item #W-09

## Subject

Request by **Hilmar Unified School District** under the authority of California *Education Code* Section 65001(e) for waivers of *Education Code* Sections 65000 and 65001, relating to schoolsite councils regarding changes in shared, composition, or shared and composition members.

## Waiver Number(s)

10-11-2019

## Type of Action

Action, Consent

## Summary of the Issue(s)

Specific authority is provided in California *Education Code* (*EC*) Section 65001(e) to allow the State Board of Education to waive the Schoolsite Council (SSC) requirements contained in *EC* sections 65000 and 65001 that would hinder the successful implementation of programs as authorized by *EC* Section 64001. This waiver is required because the site is a small alternative education high school with fluctuating student enrollment, which makes the alternate composition requirement in *EC* Section 65001(d)(1) difficult to maintain.

## Authority for Waiver

*EC* Section 65001(e)

## Recommendation

* Approval: No
* Approval with conditions: Yes, see Attachment 1.
* Denial: No

## Summary of Key Issues

The Hilmar Unified School District is requesting an SSC composition change for Irwin Continuation High School, a small alternative education high school located in a rural area. The school has two full-time classroom teachers, one part-time special education teacher, a half-time principal, and a full-time secretary serving students in grades nine through twelve. Irwin Continuation High School enrolls approximately 35 students, with 30 students enrolled at the time this waiver request was written. Despite recruitment efforts by the site principal, the school struggles with parent participation. A composition waiver allowing the Irwin Continuation High School Schoolsite Council to be composed of four members: the school principal, one teacher, one parent, and one student, is the only option for this site to meet the statutory parity requirements.

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

The California Department of Education has previously presented requests from local educational agencies (LEAs) to waive some of the SSC requirements in *EC* sections 65000 and 65001 to allow one shared SSC for multiple schools or to change the number of SSC members. All of these requests have been granted with conditions. The conditions take into consideration the rationale provided by the LEAs, a majority of which are due to the size, type, location, or other capacities of the schools.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Local Educational Agency Requesting a Schoolsite Council Waiver (1 page)
* **Attachment 2:** Hilmar Unified School District Specific Waiver Request 10-11-2019 (3 pages). (Original waiver request is signed and on file in the Waiver Office.)

**Attachment 1: Local Educational Agency Requesting a Schoolsite Council Waiver**

California *Education Code* Section 65001(e)

| Waiver Number | Local Educational Agency (LEA) for School(s) (County-District-School Code[s]) | LEA’s Request for a Schoolsite Council (SSC) Waiver | California Department of Education Recommendation | Waiver Renewal Yes or No Period of Request/Period Recommended | Collective Bargaining Unit Position/ Current Agreement | SSC/Advisory Committee Position | Local Board Approval Date |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 10-11-2019 | Hilmar Unified School District for Irwin Continuation High School (2465698 2430080) | SSC composition change | Approval with conditions: the SSC must consist of one principal, one classroom teacher (selected by peers), one parent/community member (selected by parents), and one student (selected by peers). | **No**  **Requested**  08/12/2019 to 06/15/2021  **Recommended**  08/12/2019 to 06/15/2021 | Hilmar Unified Teachers Association  Paul Willis  President  09/19/2019  **Support** | Irwin Continuation High School SSC  09/19/2019  **No Objection** | 10/08/2019 |

Created by California Department of Education

January 2020

# Attachment 2: Hilmar Unified School District Specific Waiver Request 10-11-2019

**California Department of Education**

**WAIVER SUBMISSION – Specific**

CD Code: 2465698

Waiver Number: 10-11-2019

Active Year: 2019

Date In: 11/18/2019 11:13:39 AM

Local Education Agency: Hilmar Unified

Address: 7807 North Lander Ave.

Hilmar, CA 95324

Start: 8/12/2019

End: 6/15/2021

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Schoolsite Council Statute

Ed Code Title: Shared Schoolsite Council with Reduced Number and Composition

Ed Code Section: 65000, 65001

Ed Code Authority: 65001(e)

*Education Code* or *CCR* to Waive: California *Education Code* (*EC*) 65001(d)(1)

If the requirement in paragraph (2) is met, a school with a population of fewer than 300 pupils may operate a schoolsite council that has the representation of all of the following:

(A) One principal.

(B) One teacher, selected by the teachers.

(C) One school staff member representing the other school personnel, selected by the other school personnel.

(D) If the school is an elementary school, three parents or community members selected by parents, or if the school is a secondary school, two parents or community members selected by parents and one pupil selected by the pupils.

Outcome Rationale: Irwin Continuation High School is operated by the Hilmar Unified School District, a small rural district in Merced County. Irwin Continuation High School enrolls approximately 35 students, with 30 students enrolled at the time this waiver request was written. It employs only two full-time classroom teachers, one part-time special education teacher, a half-time principal, and a full-time secretary. Because this site is an alternative high school setting, the student population is extremely mobile and enrollment numbers can range anywhere from 25 to 45 students.

Despite the continual recruitment efforts of the site principal, most parents are not willing to sit on the Schoolsite Council (SSC), and the few that are rarely have students enrolled at the school for very long. The principal will continue to seek out parents willing to serve on the SSC; however, a waiver of the parity requirements of *EC* Section 52852 is currently needed.

In order to maintain the parity between the school employees and the community/parent/student representation, the proposal of this waiver is to allow Irwin Continuation High School to have an SSC composed of four members: the school principal, one teacher, one parent, and one student.

A composition waiver is needed rather than a waiver allowing the sharing of a SSC with another school because Irwin Continuation High School is the only alternative high school in the district; and as a result, the criteria required for school sharing of a SSC cannot be met: Irwin does not share site administration with any other site in the district, its student population is much smaller than Hilmar High School’s (which currently has an enrollment of 718 students), and Irwin Continuation High School employs a separate curriculum than Hilmar High School.

A composition waiver allowing the Irwin Continuation High School Site Council to be composed of four members: the school principal, one teacher, one parent, and one student, is the only option for this site to meet the parity requirements of *EC* Section 52852.

Student Population: 30

City Type: Rural

Local Board Approval Date: 10/8/2019

Council Reviewed By: Irwin Continuation High School Site Council

Council Reviewed Date: 9/19/2019

Council Objection: No

Council Objection Explanation: *(None)*

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Cecilia Areias

Position: TOSA State and Federal Programs

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Bargaining Unit Date: 09/19/2019

Name: Hilmar Unified Teachers' Association (HUTA)

Representative: Paul Willis

Title: HUTA President

Position: Support