

California Department of Education
Waiver Submission - General

CD Code: 3768163

Waiver Number: 12-12-2016

Active Year: 2016

Date In: 12/9/2016 2:40:26 PM

Local Education Agency: Julian Union Elementary School District
Address: 1704 Cape Horn
Julian, CA 92036

Start: 7/1/2016

End: 6/30/2018

Waiver Renewal: N

Previous Waiver Number:

Previous SBE Approval Date:

Waiver Topic: Charter School Program

Ed Code Title: Geographic Limitations - Non-classroom Based

Ed Code Section: Portions of Ed. Code Sections 47605(a)(1) and 47605.1

Ed Code Authority: 33050

Ed Code or CCR to Waive: *Education* Code section 47605:

(a)(1) Except as set forth in paragraph (2), a petition for the establishment of a charter school [within a school district] may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school [that will operate within the geographic boundaries of that school district]. A charter school may propose to operate at multiple sites [within the school district] if each location is identified in the charter school petition

(5) [A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of the following circumstances exists.

(A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.

(B) The site is needed for temporary use during a construction or expansion project.]

Education Code Section 47605.1:

(d) [Notwithstanding subdivision (a) or subdivision (a) of Section 47605, a charter school that is unable to locate within the geographic boundaries of the chartering school district may establish one site outside the boundaries of the school district, but within the county within which that school district is located. if the school district in which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations. and either of the following circumstances exist:

- (1) The school has attempted to locate a single site or facility to house the entire program, but such a facility or site is unavailable in the area in which the school chooses to locate.
- (2) The site is needed for temporary use during a construction or expansion project.]

Outcome Rationale: WAIVER REQUESTED ON BEHALF OF HARBOR SPRINGS CHARTER SCHOOL:

Harbor Springs Charter School (HSCS) was authorized by the Julian Union Elementary School District in August 2013. The current petition term expires in June 2018. HSCS promotes optimum learning by collaboratively developing a personalized learning program for each student. HSCS students are provided personalized instruction suitable to their learning style, whether that is parent-directed homeschool, dual-immersion opportunities, or a combination of any and all of these options.

On October 16, 2016, the 3rd District Court of Appeals ruled in AUHSD v. Shasta Secondary Home School that independent study charter schools may not have resource centers outside of the boundaries of the school district in which the charter school is authorized, but within the same county. Currently, the Charter School has two resource centers located with San Diego County that are affected by the ruling. This waiver is necessary to allow the continued operation of Harbor Spring's existing resource centers as more detailed below:

Otay Ranch Student Center

1615 Mater Dei Dr., Seton Hall, Chula Vista, CA 91913

Lease Expiration Date: 6/30/2019

Student Population: 497 total K-8th grade students use the facility at least one day per week.

Number of employees at location: 40

Programs Offered:

Otay Arts Academy: 421 K-8 students. The program combines personalized mastery-learning home study days with arts-focused experiences.

Otay Homeschool Learning Center: 59 homeschool program students participate in a variety of enrichment workshops each week to supplement their home instruction.

Special Education Services and EL Services: HSCS provides special education services at the Otay Ranch Student Center as required by each student's IEP. HSCS currently provides 53 students with services at the center. In addition, HSCS also provides ELD instruction as needed.

Vista Student Center

700 E. Bobier Street. Vista, CA 92084

Lease Expiration Date: 7/31/2021

Student Population: 164 K-8th grade students use the facility at least one day per week.

Number of Employees at Location: 10

Programs Offered:

La Fuente Academy: 118 K-8 students. The program combines personalized mastery-learning home study days with dual-immersion Spanish and English experiences.

Vista Homeschool Learning Center: 29 homeschool program students participate in a variety of enrichment workshops each week to supplement their home instruction at the Vista Student Center.

Special Education Services and EL Services: HSCS provides special education services at the Vista Student Center as required by each student's IEP. HSCS currently provides 21 students with services at the center. In addition, HSCS also provide ELD instruction as needed.

HSCS currently enrolls 763 students throughout all programs. HSCS leases two facilities which each provide three distinct programs to the students in those geographic areas within San Diego County. Any sudden closure of these facilities would displace hundreds of students and detrimentally affect their education. Additionally, these leases do not expire until 2021. The court's ruling would thus cost the school millions of dollars in lease fees for facilities HSCS cannot use for student instruction, essentially bankrupting the school.

The Julian Union School District (JUSD) provides supervisory oversight and performance monitoring services for the Charter School, including monitoring school and student performance data, reviewing the school's audit reports, performing annual visits to the school facilities and resource centers, and considering charter amendment and renewal requests. To the best of JUSD's knowledge, HSCS has operated its resource centers consistent with the advice and written guidance provided by the California Department of Education ("CDE") as provided in the letter dated November 14, 2002 from Janet Sterling, Director, School Fiscal Services Division, updating Charter School Administrators, County and District Superintendents and Chief Business Officials on recent charter legislation, including AB 1994 (attached).

Approval of this waiver will allow HSCS time to reorganize, apply for additional charters, WASC accreditation, SELPA membership, and/or allow leases to expire reducing fiscal liability, and other necessary tasks to restructure and continue serving students in HSCS's geographical territory.

Please note, HSCS employees are not organized into bargaining units, but Julian Union Elementary School District consulted with its employees' exclusive representatives prior to the submission of this waiver request, and they are not opposed to the waiver.

Student Population. 2598

City Type: Rural

Public Hearing Date: 11/9/2016

Public Hearing Advertised. JUSD and Charter School main office and resource centers.

Local Board Approval Date: 11/9/2016

Community Council Reviewed By: Harbor Springs Board of Directors

Community Council Reviewed Date: 11/4/2016

Community Council Objection: N Community

Council Objection Explanation:

Audit Penalty YN: N

Categorical Program Monitoring: N

Submitted by: Mr. Eric Stevens
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Bargaining Unit Date: 11/07/2016
Name: Julian Union Teacher's Association
Representative: David Pierce
Title: President
Position: Support
Comments: