

California Department of Education

Executive Office

SBE-005 (REV. 10/2017)

General Waiver

# California State Board of Education July 2018 Agenda Item #W-04

## Subject

Request by **Hacienda La Puente Unified** **School District** for a renewal waiver of portions of California *Education Code* Section 48661(a) to permit collocation of Valley Community Day School on the same site as Valley Continuation High School and Puente Hills High School Independent Study.

## Waiver Number

3-12-2017

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by **Hacienda La Puente Unified School District** (USD) for a renewal waiver of portions of California *Education Code (EC)* Section 48661(a) to permit collocation of Valley Community Day School (CDS) on the same site as Valley Continuation High School (VCHS) and Puente Hills High School (PHHS) Independent Study. The previous waiver request was approved on March 21, 2017, for the period of August 9, 2017, through August 10, 2018.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

The California Department of Education (CDE) recommends approval of the renewal waiver request for this CDS on the condition that the district, in accordance with *EC* Section 48661(b), maintains its certification on the basis of a two-thirds annual vote of the local governing board that satisfactory alternative facilities are not available for a CDS.

*EC* Section 33051(b) will apply and the district will not need to reapply if the information contained in the request remains current.

## Summary of Key Issues

*EC* Section 48916.1(a) requires school districts to ensure that each of their expelled students be provided an educational program during the period of expulsion.

*EC* Section 48661(a) states that a CDS shall not be situated on the same site as a comprehensive elementary, middle, or high school, continuation high school, or an opportunity school. *EC* Section 48661(a) authorizes a small school district with 2,500 or fewer students to waive the separation requirement based on an annual certification by at least two-thirds of the local board when separate alternative facilities are not available. The governing board for the Hacienda La Puente USD is asking for similar authority as the board of a smaller district. Hacienda La Puente USD enrolls 19,383 students. The governing board voted unanimously to request this waiver.

The district received a waiver for the 2011–13 school years for the CDS and PHHS to join VCHS at the Shadybend campus. The CDS occupies the former kindergarten area, located on the east side of the campus, and, as an independent study school, PHHS was given one classroom on the west side of the campus, where VCHS operates. The principal is on site (with the exception of meetings and off-site conferences) and is able to provide services for the schools. A full-time counselor and teacher on special assignment in charge of school discipline are also on site to provide student and staff support.

The separation between the CDS and VCHS/PHHS that exists on the Shadybend campus has been proven to be adequate and sufficient in providing safety for all students. There have been no significant negative interactions during the collocation at either of the current and previous sites for the past eight years. This has been accomplished through a number of means. There is a physical barrier and “No Student Area” that is clearly visible from the front office and separates VCHS and the CDS. Students in each school have their own restrooms. CDS students arrive to, and depart from, the site at a different location and at a different time than VCHS/PHHS students. CDS students do not go through the quad area in order to access the front office, and students are escorted individually to the front office by a staff member.

A campus peace officer monitors and patrols all areas of the school site. The Hacienda La Puente USD has worked on changing the climate of both VCHS and the CDS by implementing Positive Behavior Intervention Strategies, response to intervention, restorative justice practices, and the Capturing Kids’ Hearts Program. Instructors and administrators participate in trainings provided by the district and by the school site.

In March 2016, the Hacienda La Puente USD requested a waiver for a period of two years minus one day (retroactive to 2015) for the waiver currently in place, which would have qualified it as a permanent waiver under the provisions of *EC* Section 33051(b). However, the Hacienda La Puente Teachers Association expressed opposition to the waiver, citing that there was still a potential for negative interactions between students that could possibly compromise the safety of their members on a collocated campus. All other bargaining units and site councils took a neutral position on the waiver. The CDE believed that the appropriate compromise was to grant the waiver for a period of two years minus one day, allowing for additional review by the State Board of Education (SBE) before permanent waiver status is granted.

When the district applied to renew their waiver in March 2017, the Hacienda La Puente Teachers Association had become satisfied that the collocation was safe and supported the waiver request. Therefore, the district’s stated intent is to be granted a long-term/permanent waiver. The Service Employees International Union was also in support. The local board voted unanimously for the waiver request, exceeding the required two-thirds vote needed to take action under the waiver. Both the School Site Council and the English Learners Advisory Council reviewed the request and had no objections. However, the California School Employees Association (CSEA) expressed opposition. Despite several requests for clarification from district and CDE staff, the CSEA did not provide any specific justification. District staff reported that the district and CSEA was at an impasse in bargaining and suggested that this might have been the reason for opposition. Again, the SBE supported the waiver renewal but delayed permanent status.

For the March 2018 waiver renewal request, the CSEA has moved to join the other bargaining units in full support of permanent waiver status, and as before, no objections have been raised from any of the review councils.

Given the very strong support from stakeholders, the demonstrated safety plan and record throughout several years of the schools sharing the campus without any negative incidents between the student populations, and that the district has continued to meet the waiver conditions for local approval, the CDE supports the request for permanent waiver status.

**Demographic Information:** Hacienda La Puente USD has a student population of 19,383 students and is located in a suburban area in Los Angeles 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 previous waiver requests to allow the collocation of a CDS on the same site as another school when the CDS could not be located separately, and the district has been able to provide for the separation of the CDS students from other schools.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval.

## Attachment(s)

* **Attachment 1:** Summary Table of Community Day School State Board of Education Waiver (1 page)
* **Attachment 2:** Hacienda La Puente Unified School District General Waiver Request 3-12-2017 (2 pages). (Original Waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Community Day School Waiver Attachment 3 (3 pages)

# Attachment 1: Summary Table

California *Education Code (EC)* Section 48661(a)

| Waiver Number | District Name, Size of District, and Local Board Approval Date | Type of School with which CDS will be Collocated (if waiver of *EC* Section 48661[a]) | Period of Request | Renewal Waiver? | If granted, this waiver will be “permanent” per *EC* Section 33051(b) | Bargaining Unit Name and Representative, Date of Action, and Positon | Advisory Committee/Schoolsite Council Name,  Date of Review,  and Any Objections |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 3-12-2017 | Hacienda La Puente Unified School District  19,383 Students  12 Students in Valley Community Day School  143 Students in Valley Continuation High School (VCHS)  41 Students in Puente Hills High School (PHHS) Independent Study  October 12, 2017  (5-0 vote) | VCHS  PHHS Independent Study | **Requested:** August 10, 2018 to  August 10, 2019  **Recommended:** August 10, 2018  to  August 10, 2019 | Yes  **Previous Waiver:** August 9, 2017  through  August 10, 2018 | Yes | Hacienda La Puente Teachers Association  Jane Schults, President August 1, 2017  **Support**  California School Employee Association  Margarita Caldera,  President  August 1, 2017  **Support**  Service Employees International Union  Joyce Garcia,  President  August 1, 2017  **Support** | School site council, English Learners Advisory Council  10/12/2017  **No Objections** |

Created by California Department of Education

May 18, 2018

# Attachment 2: Hacienda La Puente Unified School District General Waiver Request 3-12-2017

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

CD Code: 1973445

Waiver Number: 3-12-2017

Active Year: 2017

Date In: 12/4/2017 3:04:18 PM

Local Education Agency: Hacienda la Puente Unified School District

Address: 15959 East Gale Ave.

Hacienda Heights, Ca 91745

Start: 8/10/2018

End: 8/10/2019

Waiver Renewal: Yes

Previous Waiver Number: 19-11-2016-w-02

Previous SBE Approval Date: 3/21/2017

Waiver Topic: Community Day Schools (CDS)

Ed Code Title: Colocate Facilities

Ed Code Section: 48661(a)

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: (a) A community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except as follows: (1) When the governing board of a school district [with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment] certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a community day school. (b) A certification made pursuant to this section is valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the governing board.

Outcome Rationale: Hacienda La Puente has annually requested and received a co-location waiver

Student Population: 12

City Type: Suburban

Public Hearing Date: 10/12/2017

Public Hearing Advertised: Notice posted at each school site in the district

Local Board Approval Date: 10/12/2017

Community Council Reviewed By: School site Council, English Learners Advisory Council

Community Council Reviewed Date: 10/12/2017

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Joaquin Martinez

Position: Principal

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Bargaining Unit Date: 08/01/2017

Name: California School Employees Association

Representative: Margarita Caldera

Title: President

Position: Support

Bargaining Unit Date: 08/01/2017

Name: Hacienda La Puente Teachers Association

Representative: Jane Schults

Title: President

Position: Support

Bargaining Unit Date: 08/01/2017

Name: Service Employees International Union

Representative: Joyce Garcia

Title: President

Position: Support

# Attachment 3: Community Day School Waiver Attachment 3

**Waiver for Co-location of Community Day School, Valley Continuation High School and Puente Hills School Independent Study - 15430 Shadybend Drive, Hacienda Heights, Ca 91745**

Hacienda La Puente Unified School District is requesting a location waiver for Community Day School (CDS) to share the same site as the Valley Continuation High School (VHS) and Puente Hills High School Independent Study (PHHS). A search for an appropriate site for CDS was conducted throughout the district and to the best of our knowledge, there is no separate site that is feasible to operate a community day school in the district. The site selected is separate from all other traditional middle and high school and is consistent with the intent of the law

The Hacienda La Puente Unified school board voted October 12, 2017 5 to 0 (one Board member absent) on approving the co-location of Community Day School, Valley Continuation High School and Puente Hills School Independent Studies. The community and all stakeholders were advised of the request and asked for their input. Shared decision making committees which include parents and students i.e. School Site Council, English Language Advisory Committee, members of the Service Employees International Union (SEIU), Members of the Hacienda La Puente Teachers Association and California School Employees Association (CSEA) had no objections to the co-location request.

## Background Information:

Currently Hacienda La Puente Unified School District services 19,383 students from TK-12 grade including an 18-22 year old adult transition program. Valley Continuation High School and Puente Hills High School Independent Studies population is fluid as students are being referred for credit recovery or returning to home comprehensive high school when acquiring necessary credits to make cohort graduation date. The current student population for Valley Continuation High School at the time of this request is 143 students and 41 enrolled in Puente Hills High School Independent Study.

CDS was originally located at a larger site based on the corner of Lomitas and 5th in La Puente. Three large sized portables and three full time instructors plus a special ed instructor was placed for CDS. At the time, a long term waiver was sought and approved for sharing the site with Valley Continuation and Puente Hills High School Independent Study (PHHS).

In 2009, Valley Alternative was moved to a former elementary school, occupying the west side of the campus. The Principal was physically torn between the two locations and spent time traveling each day between the two sites (roughly 3 miles apart). The counselor was based on the CDS site and the Teacher on Special Assignment (TOSA) in charge of student discipline was based on the Valley site. It was not productive arrangement of student/staff support for either school

In 2010, CDS and PHHS were moved to join the Valley Alternative at the Shadybend site. CDS occupies the former kindergarten area, located on the east side of the campus, and, as an Independent Study school, PHHS was given one classroom on the Valley (west) side of campus. With the co-location, the Principal is always on site (with the exception of meetings/off-site conferences) and is able to provide services for both schools. A full time counselor and Assistant Principal are also on site to provide student and teacher support.

## Safety Concerns:

A brief summary of the history of CDS at Hacienda La Puente USD shows that there has always been a concern for student safety. It needs to be noted that we take in all students from the 4 comprehensive high schools in the district. Students who are unwilling to work with the interventions and support provided by instructors, counselors and administrators are reassigned to an alternative placement.

There is a physical barrier and “No Student Areas” that separate Valley and CDS. Students in each school have their own restroom. CDS students do not go through the quad area in order to access the Front Office, and each student is escorted to the Front Office by a staff member. Although the Front Office is small, interventions in place have created a positive climate on campus.

We have worked on changing the climate of both Valley Continuation High School and CDS by implementing the strategies of Positive Behavior Intervention Strategies (PBIS), Response to Intervention (RtI), Restorative Justice Practices and Capturing Kids’ Hearts. Instructors and administrators participate in trainings provided by the district and by the school site. Our efforts have proven that we are on the right pathway towards effecting a change in student behavior.

**Means of Maintaining Separation between CDS and Valley Alternative School and Puente Hills School Independent Study and overall safety within each school:**

* CDS students arrive to, and depart from, the site at a different location than VHS/PHHS students.
* CDS students arrive to, and depart from, the site at different times than VHS/PHHS students
* Students from the CDS do not cross paths with either VHS nor PHHS enroute to classes
* Students from CDS have access to separate restrooms, PE, and lunch areas from VHS/PHHS students
* There is a physical barrier (fence and gate) which separates the students from CDS and VHS/PHHS
* There is a designated No Student Area which no student has access that physically divides CDS from VHS/PHHS
* The No Student Area is clearly visible from the Front Office.
  + The No Student Area is fenced off from CDS and VHS/PHHS
* A Campus Peace Officer monitors and patrols the areas of CDS and VHS/PHHS
  + Supervision is also conducted by the Administrative Staff during passing periods
* CDS students are always under supervision both inside and outside the classroom
  + CDS students are escorted to the Front Office and remain under supervision in the Front Office
* There has been no negative interaction between CDS students and VHS/PHHS students at the site. In addition, negative incidents within each school are substantially, significantly lower than previous years. The number of discipline referrals from both schools has dropped to 50% over the past three years.

The separation between CDS and VAS/PHS that exists on the Shadybend campus has been proven to be adequate and sufficient in providing safety of all students. There have been no significant negative interactions between the two sites for the past 7 years.

Hacienda La Puente Unified has a history of being able to provide a consistent, adequate and safe co-location of Community Day School, Valley Alternative School and Puente Hill High Independent Study programs. This is a consistency that has been able to continue despite moving from the original Lomitas site to the Shadybend site and with several changes in site administration. It is the request that HLPUSD be granted long term/permanent co-location waiver status once again.