

California Department of Education

Executive Office

SBE-005 (REV. 11/2017)

General Waiver

# California State Board of Education July 2018 Agenda Item #W-05

## Subject

Request by **Reef-Sunset Unified School District** for a renewal of a waiver of California *Education Code* Section 48916.1(d), and portions of California *Education Code* Section 48660 to permit a community day school to serve students in grades six through twelve.

## Waiver Number

13-4-2018

## Type of Action

Action, Consent

## Summary of the Issue(s)

Request by Reef-Sunset Unified School District (RSUSD) for a renewal of a waiver of California *Education Code* (*EC*) Section 48916.1(d), and portions of *EC* Section 48660 to permit a community day school (CDS) to serve students in grades six with students in grades seven through twelve.

## Authority for Waiver

*EC* Section 33050

## Recommendation

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

This waiver provides for the CDS operated by the RSUSD to serve students in grades six through twelve with the following three conditions.

The RSUSD will provide:

* Educational services for CDS students in grades six through twelve, but no lower grades
* Grade-level-appropriate mentor teacher support to CDS teachers who are teaching beyond their credentialed grade spans
* Comprehensive social-emotional support services for the students through mental health services providers such as a school psychologist, an intervention/prevention specialist, and a licensed therapist or social worker

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

## Summary of Key Issues

*EC* Section 48660 provides that the governing board of a school district may establish one or more CDSs. *EC* Section 48660 also provides that a CDS may serve pupils in a CDS in any of kindergarten and grades one to six, inclusive, or any of grades seven to twelve, inclusive, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. *EC* Section 48916.1(d) provides for the allowable grade spans of educational services for expelled students.

The RSUSD is a small rural district of 2,600 students. For 18 years, in accordance with the CDS statutory limitations, the district operated two CDSs. The primary CDS served students in grades one through six, while the secondary CDS served students in grades seven through twelve. Due to low attendance numbers two years ago, the district closed the primary CDS. The district serves general education students in schools in a middle school configuration of grades six through eight, and a high school configuration of grades nine through twelve. Last year, the district applied for and received a waiver to be authorized to serve all middle and high school students in need of a CDS together, including the middle grade students in the sixth grade who had not been able to enroll in the secondary CDS.

The district does not expect more than a small number of sixth grade students to be enrolled in the CDS. It is not fiscally feasible to operate two CDSs, one for students in grades one through six, and a second for grades seven and above. At the same time, the RSUSD recognizes its responsibility to ensure that educational placements are available for expelled and other high-risk students.

Under the waiver, the district has not needed to serve more than 10 CDS students at a time and anticipates they will not exceed that enrollment in the future. This allows for careful supervision and individualization of instruction. There have not been any significant negative incidents involving younger and older students. In order to ensure that students receive adequate academic support despite the wider span of grades, the RSUSD has committed to provide grade-level-appropriate mentor teacher support to CDS teachers who are teaching beyond their normal grade spans. There is also a full-time aide assigned to the CDS to provide a very low adult to student ratio. The district also provides comprehensive social-emotional support services for the students. This includes staffing that includes two school psychologists, an intervention/prevention specialist, and a Licensed Marriage Family Therapist. Students participate in mental health support groups with a focus on coping skills, anxiety, and other topics as needed.

The local governing board voted to support the waiver renewal request, as did the West Kings County Teachers Association and the California School Employees Association Kettleman Hills #332, through their respective presidents, Amy Wilkinson and

Tammy Ware. Also, the RSUSD’s Alternative Education Advisory Committee had no objections to the renewal request.

Based on the 20-year history of successful operation of the CDSs, the provision of mentor teacher support and mental health support for the students as needed, and the unanimous local approval, the California Department of Education supports the request for renewal of the waiver for the RSUSD without a need to reapply if the information contained on the request remains current.

**Demographic Information:** RSUSD has a student population of 2,600 students and is located in a rural area in Kings County.

**Because this is a general waiver, if the State Board of Education 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 State Board of Education has approved several previous waiver requests to expand the allowable grade span for a CDS to best serve its students when it was not feasible for the district to operate two separate schools.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver renewal.

## Attachment(s)

* **Attachment 1:** Summary Table of Community Day School State Board of Education Waiver (1 page)
* **Attachment 2:** Reef-Sunset Unified School District General Waiver Request 13-4-2018 (3 pages) (Original Waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

California *Education Code* Section 48916.1(d), and portions of California *Education Code* Section 48660

| WaiverNumber | District Name,Size of District, andLocal BoardApproval Date | Period of Request | If granted, this waiver will be "permanent"per *EC* Section 33501(b) | Bargaining Unit Name and Representative,Date of Action,and Position | Advisory Committee/Schoolsite Council Name,Date of Reviewand Any Objections |
| --- | --- | --- | --- | --- | --- |
| 13-4-2018 | Reef-Sunset Unified School District  2,600 Students  10 Students in Community Day School  March 15, 2018 | **Requested:**  August 1, 2018  through  July 31, 2020  **Recommended:**  August 1, 2018  through  July 31, 2020 | Yes  **Previous Waiver:**  August 1, 2017  through  July 31, 2018 | West Kings County Teachers Association  Amy Wilkinson,  President  March 13, 2018  **Support**  California School Employees Association Kettleman Hills #332  Tammy Ware,  President  March 13, 2018  **Support** | Alternative Education Advisory Committee  March 13, 2018  **No Objections** |

Created by California Department of Education

May 18, 2018

# Attachment 2: Reef-Sunset Unified School District General Waiver Request 13-4-2018

**California Department of Education**

**WAIVER SUBMISSION - General**

CD Code: 1673932

Waiver Number: 13-4-2018

Active Year: 2018

Date In: 4/26/2018 11:12:23 AM

Local Education Agency: Reef-Sunset Unified School District

Address: 205 North Park Ave.

Avenal, CA 93204

Start: 8/1/2018

End: 7/31/2020

Waiver Renewal: Yes

Previous Waiver Number: 29-4-2017

Previous SBE Approval Date: 7/13/2017

Waiver Topic: Community Day Schools (CDS)

Ed Code Title: Commingle Grade Levels

Ed Code Section: 48916.1(d) and portions of Section 48660

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: 48660.

(a) The governing board of a school district may establish one or more community day schools for pupils who meet one or more of the conditions described in subdivision (b) of Section 48662. A community day school may serve pupils in any of kindergarten and grades 1 to 6, inclusive, or any of grades 7 to 12, inclusive, or the same or lesser included range of grades as may be found in an individual middle or junior high school operated by the school district. If a school district is organized as a school district that serves kindergarten and grades 1 to 8, inclusive, but no higher grades, the governing board of the school district may establish a community day school for any kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the governing board of the school district. It is the intent of the Legislature, that to the extent possible, the governing board of a school district operating a community day school for any of kindergarten and grades 1 to 8, inclusive, separate younger pupils from older pupils within that community day school.

Outcome Rationale: We run a middle school model with grades 6-8 attending our middle school. We would like to continue to have 6th grade expelled students attend our Secondary Community Day School with our expelled 7-12 graders. RSUSD does not expect more that 10 students to be enrolled in the CDS, which is why we closed the Primary Community Day School 2 years ago and requested our initial waiver last year. The district recognizes the responsibility to ensure educational placements for expelled and other high risk students. The district notes that the full requested span of grades six through twelve is broader than the six grade level span (grades seven through twelve) allowable under current law.

The district recognizes that the curriculum content for sixth through twelfth grade in a single classroom is a content stretch. In order to ensure that students receive adequate academic support despite the wider span of grades, the Reef-Sunset USD has committed to provide grade-level-appropriate mentor teacher support to CDS teachers who feel they need support in any content area. In addition, there will be at least one full time aide assigned to CDS to assist in this, and keeping the student to adult ratio low.

Student Population: 2600

City Type: Rural

Public Hearing Date: 3/15/2018

Public Hearing Advertised: posted in local newspaper, posted at school sites and district office, sent to city office

Local Board Approval Date: 3/15/2018

Community Council Reviewed By: WKCTA, CSEA, Alt. Ed. Advisory

Community Council Reviewed Date: 3/13/2018

Community Council Objection: No

Community Council Objection Explanation: N/a

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Micky Yocum

Position: Director of Student Services

E-mail: [myocum@rsusd.org](mailto:myocum@rsusd.org)

Telephone: 559-386-9083 x1001

Fax: 559-386-5303

Bargaining Unit Date: 03/13/2018

Name: CSEA Kettleman Hills #332

Representative: Tammy Ware

Title: President

Position: Support

Bargaining Unit Date: 03/13/2018

Name: West Kings County Teachers Association

Representative: Amy Wilkinson

Title: President

Position: Support